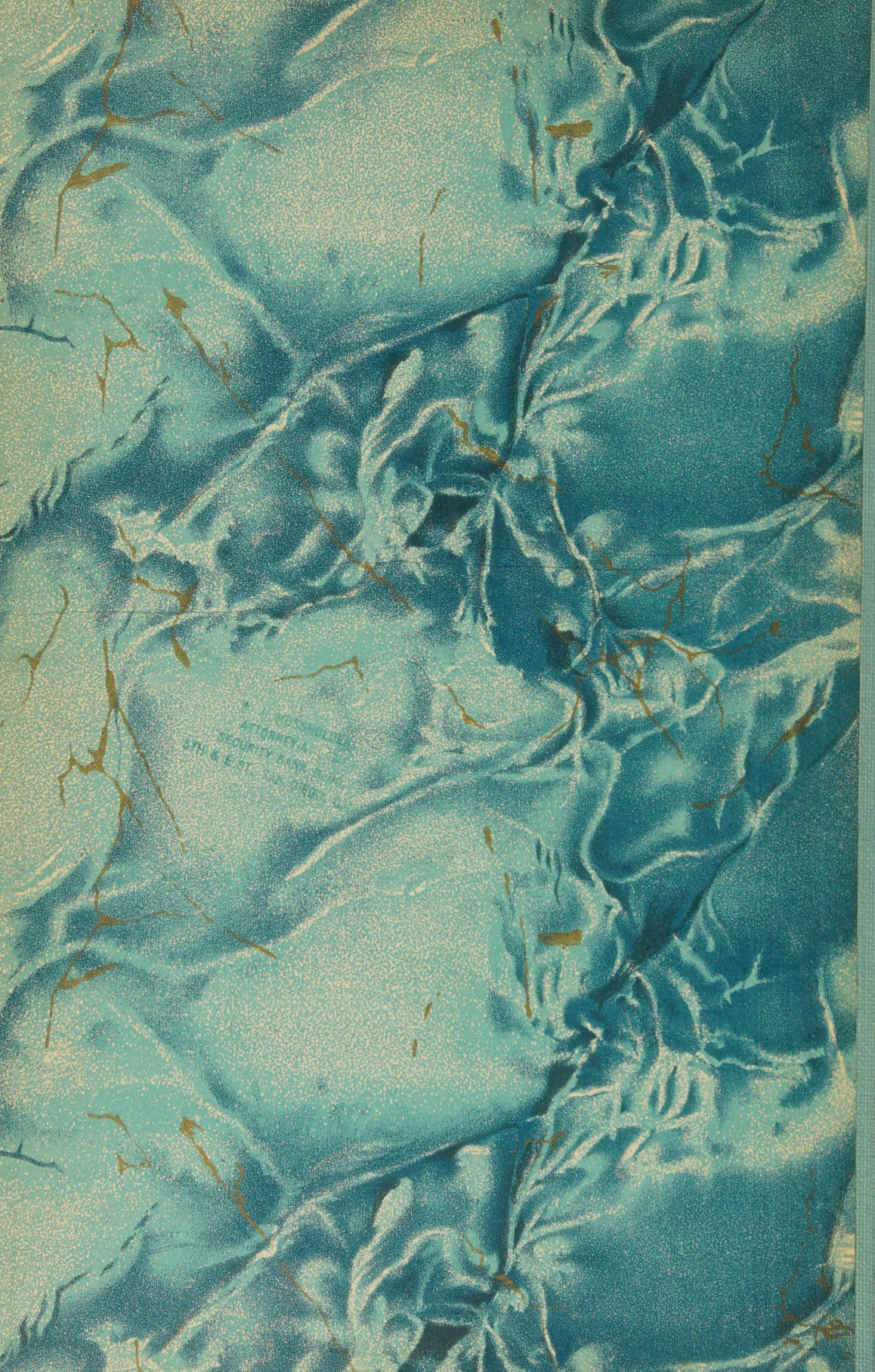

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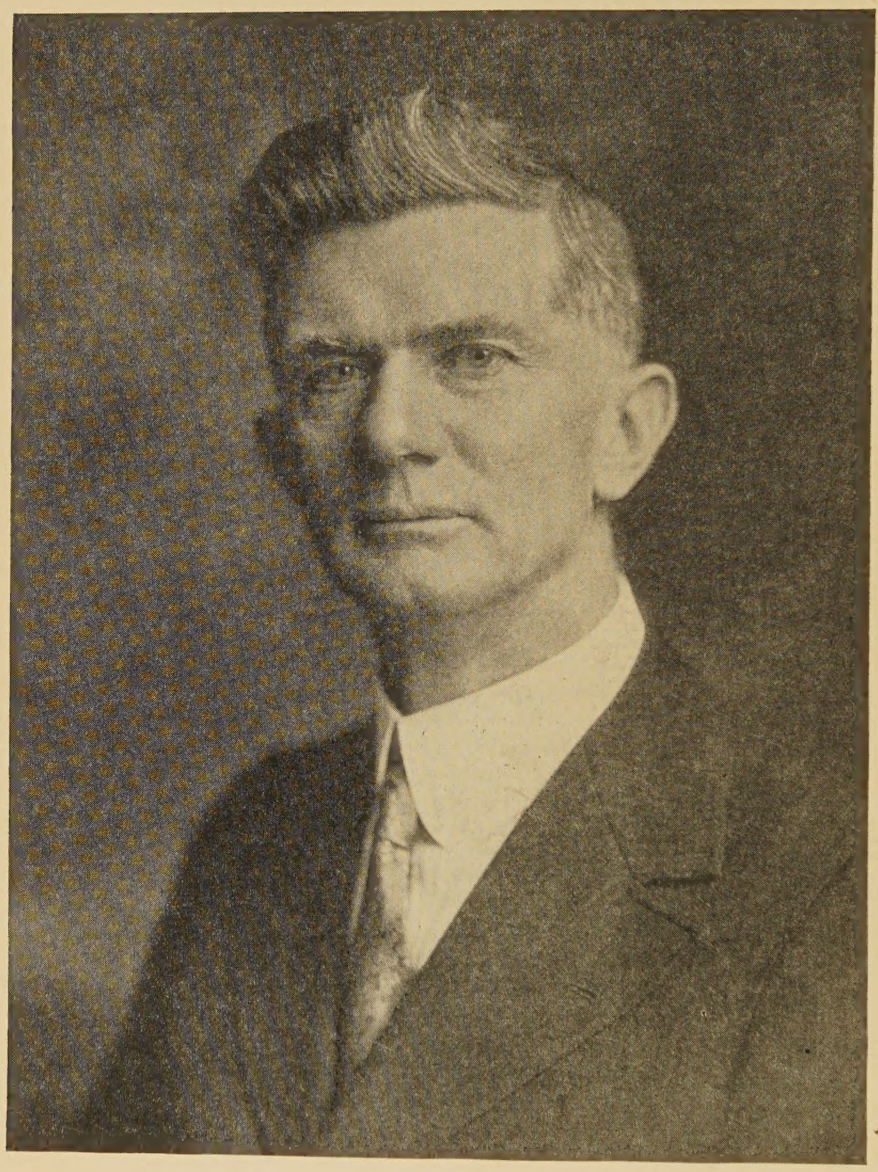

Rockwell D. Hunt.

California and Californians

Edited by

ROCKWELL D. HUNT, A. M., Ph. D.

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ISSUED IN FIVE VOLUMES

VOL. II

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PREFACE

Every period in the history of California pulsates with human interest; every phase of her phenomenal development possesses its own peculiar charm. Her name and her story are alike unique in the annals of man.

Remarkably varied and fascinating geography suggests a wealth of natural resources quite unsurpassed anywhere; but the human story is still more alluring and significant than the earth story. Long before the eyes of a white man gazed upon her shores, California was the hospitable habitat of an Indian population perhaps more dense than any of like area on the continent.

The Spanish period may be said to have begun with the explorations of conquering Cortez to the northward, or perhaps with Cabrillo's discovery of Alta California in 1542. Actual settlement was delayed until the coming of Padre Junipero Serra and Capt. Gaspar de Portolá. A succession of revolutionary movements in New Spain, beginning in 1810, resulted finally in the establishment of the Republic of Mexico. Then followed the Arcadian days, the pastoral age of California history, when the hospitable land was the home of a simple but romantic happiness and contentment.

As if by magic, California, after acquisition by the United States, was suddenly transformed into the land of El Dorado, becoming almost instantaneously the focal point of the world's attention, a powerful magnet whose attractive force extended to all parts of the world. The "Days of '49," followed by the "Flush Times" and "Vigilante Days," were succeeded by a period of robust development, with a growing appreciation of resources and a spirit of loyalty that made the great Pacific State a tower of strength to the cause of Union in perilous days of rebellion, and culminating in the completion of the first transcontinental railroad.

Still more recently California, in consequence of her wonderful development and the shifting of national and international scenes, has assumed a position fronting the world—thus thrusting herself into the very midst of the great onflowing current of human endeavor.

The present volume is concerned with American California. While not unmindful of the romance and charm of the earlier period, and with sincere appreciation of the heritage from Spain and Mexico, the author finds the true culmination of California history in the American period. The founding and matchless unfolding of the Empire State of the Pacific is not only a chronicle of rare strength and beauty but likewise a vastly consequential chapter in the history of the race.

The beginnings of the American history of California lie far back of her admission into the Union and even of Commodore Sloat's seizure of Monterey in 1846. California was in the path of the westward expan-

sion, and the peaceful penetration of American trappers, traders, and settlers into her borders for decades before the great gold discovery was of striking significance, especially when studied in the light of a slowly emerging national policy of a continent-wide country. If in the narrative there appears to be an overlapping with the Mexican régime, that is but a natural consequence of the developing situation and need not in itself be regarded as mystifying.

Prominent among the reasons, therefore, for venturing to add the present work to an already somewhat formidable list of books in California history are:—first, to give generous expression to a sincere appreciation of the American period without making the concession that this is merely secondary or supplementary to the Spanish history; second, to revivify the past with accuracy and sympathetic interpretation and thus to contribute to the conservation of the rightful heritage of all Californians; third, to lay just emphasis upon more recent developments, especially in view of the time that has elapsed since the monumental works of Bancroft and Hittell were published and of the commonly accepted fact that the last half-century has received wholly inadequate treatment in our serious historical works; and finally, to set forth the salient facts and features of the dominant State of the far west, which now boldly lays claim to being "the right hand of the continent."

So varied and many-sided is the history of California that any purely chronological presentation would be quite undesirable. Therefore, while in general heed is justly given to the time sequence, it has been deemed wise to employ, on the whole, a topical method of treatment: in some respects the history of the State may be most advantageously told by a series of well selected word pictures. Such an attempt, however, calls for a rigid process of selection and rejection, because of the astonishing and rapidly increasing complexity of our recent and contemporaneous life.

Considerable emphasis has been placed upon outstanding personalities as contributing to truer perspective in the picture as a whole. It is quite possible that this particular emphasis has been enhanced by the fact that it was the writer's rare good fortune to enjoy the personal acquaintance of a number of pioneers who had been actively identified with certain phases of California's thrilling history. Prominent among these were General John Bidwell, of "The first emigrant train to California;" William Lewis Manly, author of *Death Valley in '49*; Virginia Reed Murphy, who as a young girl was a member of the Donner Party; and Cornelius Cole, who arrived at Sacramento in the vanguard of the Forty-niners and later served in the councils of the nation during one of its most critical periods. Likewise certain typical episodes have been presented with not a little detail because they have long since become classic in our history and because the narration of them obviates the necessity of introducing numerous others of like kind.

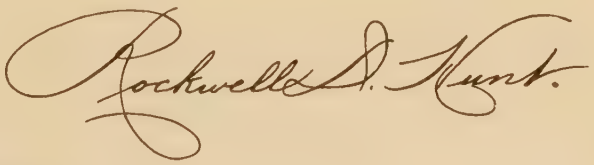
Brief excerpts from carefully selected original sources are introduced in the belief that they will aid in visualizing the scenes described and in

vitalizing the story of the past. History is made audible by listening to the words of the pioneer himself where this is possible. Prominent among such sources are journals and observations of pioneers, files of early newspapers like the *Californian* and the *Alta California,* periodicals like the *Hesperion* and *Overland Monthly,* extracts from political platforms as well as from noteworthy addresses and orations, and relevant discussions by contemporary writers.

Regard is had for cultural development as well as for commercial expansion and material greatness. It is the author's hope that the pages of this book may be found to reflect something of the real spirit of California. He freely confesses a frank admiration for the subject—his native state: hence he has not been content with any mere recital of plain facts, however accurately told. Nevertheless he has earnestly striven to be accurate in statement of fact, and he has not willingly omitted important items that are germain to the main theme simply because they might not perchance comport with a pre-conceived highly-colored, ideal picture. Neither have words of dispraise been withheld where they have been demanded by a faithful adherence to the integrity of history.

The present writer has always been a citizen of California. His father was one of that vast throng of sturdy young men who made their way "across the isthmus" to San Francisco in the days of gold: a few years later his mother joined one of the innumerable caravans that wended their way across the western plains and the "great American Desert" to Sacramento. His early childhood was spent in an atmosphere marked by the pioneer spirit. It was not, however, until he had left California to pursue graduate studies in Johns Hopkins University that he conceived a particular interest in the history of his native State—an interest which has never waned since his return from Baltimore to "California the Golden."

Grateful expression of appreciation is made to members of the Advisory Editorial Board of the series, *California and Californians,* for helpful suggestions and assistance; also to Miss Eudora Garoutte, head of the California Department of the State Library at Sacramento, Miss Laura Cooley, of the Los Angeles Public Library, and Miss Charlotte Brown, of the Library of the University of Southern California. Acknowledgment is made to the Johns Hopkins University Press, the American Academy of Political and Social Science, the firm of Silver, Burdett and Company, and Miss Eliza P. Houghton for kind permission to use certain excerpts of copyrighted matter.



Los Angeles, California.

CALIFORNIA

AN AMERICAN COMMONWEALTH

Part I—The Acquisition of California by the United States.

I	California and the Westward Movement	3
II	Jedediah Strong Smith, Pathfinder of the Sierras	11
III	James Ohio Pattie: "Personal Narrative"	19
IV	The Fruits of a Decade (1830-40)	33
V	"The First Organized Immigrant Train to California:" John Bidwell	41
VI	Overland Immigrant Home Seekers (1841-46)	50
VII	John Augustus Sutter and Sutter's Fort	59
VIII	A Capital Prize and a National Policy	65
IX	The Bear Flag Revolution	75
X	The American Conquest: Earlier Phases	82
XI	The American Conquest: Later Phases	91
XII	The Donner Party	111

Part II—The Memorable Struggle for Social Order.

XIII	"Eureka:" The Great Gold Discovery	123
XIV	The Argonauts of '49	133
XV	The Perils of Death Valley: William Lewis Manly	148
XVI	Mining Days and Miners' Ways	157
XVII	Legal Status of California, 1846-49	169
XVIII	The Constitutional Convention of 1849	185
XIX	The Empire State of the Pacific	196
XX	Abounding Life in Early San Francisco	204
XXI	Vigilante Days: The Committee of 1851	218
XXII	The Vigilance Committee of 1856	228
XXIII	Early Development of Commerce and Industry	248

Part III—A State Growing in Greatness (1856-79).

XXIV	Early State Political History	263
XXV	Political History Following the Civil War	277
XXVI	Land Titles and Squatterism	285
XXVII	The Filibusters	296

XXVIII Transportation: Forerunners of the Railroad ---- 307
XXIX The Central Pacific Railroad ---- 319
XXX Loyalty to the American Union ---- 327
XXXI American Treatment of the California Indians ---- 345
XXXII The Chinese Question ---- 359
XXXIII Denis Kearney and the Workingmen's Movement 371
XXXIV The Second Constitutional Convention ---- 380

Part IV—California Fronting the World (1879-1925).

XXXV The Rediscovery of California's Natural Resources ---- 393
XXXVI Political History to 1901 ---- 409
XXXVII The Progressive Movement in California Politics 416
XXXVIII The Japanese Question ---- 423
XXXIX Irrigation, Reclamation, Conservation ---- 440
XL The Arid Region Reclaimed, the Desert Transformed ---- 452
XLI The Renaissance of San Francisco ---- 463
XLII Greater Los Angeles and the Sunny Southland ---- 480
XLIII Expositions and Festivals in California ---- 497
XLIV California and the World War ---- 511
XLV Material Development ---- 518
XLVI Cultural Development ---- 535
XLVII California, One and Indivisible ---- 553
XLVIII California, Child of Destiny ---- 568

Selected Bibliography ---- 581

PART I

Acquisition of California by the United States

California and Californians

CHAPTER I

CALIFORNIA AND THE WESTWARD MOVEMENT

Frederick J. Turner opened a new era in the interpretation of United States history when he declared before the American Historical Association, "The true point of view in the history of this nation is not the Atlantic Coast; it is the great West." It is now well perceived that it was the "quiet, resistless, onward march" of peaceful but energetic home makers that gave distinctive character and stability to the American nation. The great task of the nineteenth century was the subduing of a mighty continent. The westward movement, which afforded ever new contacts with primitive conditions and the large opportunities of always beginning over again, was the means whereby the titanic task was accomplished. The broader significance of this great truth was clearly perceived by Ernest Bogart, when he wrote,

> The keynote of all American history, from whatever standpoint it may be written, is found in the efforts of a virile and energetic people to appropriate and develop the wonderful natural resources of a new continent and there to realize their ideals of liberty and government.

No doubt this westward movement in America was part of the world movement which was initiated when, in the fifteenth century, Europe suddenly found herself bereft of her old avenues of trade to the Orient and was forced to look out wistfully upon the Atlantic, asking the momentous question "whether the ocean could afford a route down the path of the setting sun to the Indies and Cathay." Columbus, Balboa, Magellan, Cortez, Drake—such men as these were the true forerunners of the early acts in the drama of the westward movement in American history. The persistent quest for the phantom Straits of Anián—mysterious northwest passage to the Pacific—was one of its most romantic as well as consequential phases.

California history, rightly studied, far from being isolated from the course of the affairs of earth, is in reality in the midst of a great world

movement,—aye, is itself the culmination of that movement. And the end is not yet. California will yet become the "right hand of the continent," as the memorable and prophetic words of William H. Seward, uttered three-quarters of a century ago, take on their full significance:

> The Pacific Ocean, with its shores, its islands, and its vast region beyond, will become the chief theatre of events in the world's great hereafter.

Almost with the beginnings of our national history there began a mighty expansion of the Anglo-Saxon race to the westward: the most casual reference to the succeeding steps in the territorial expansion of the United States, beginning with the acquisition of the great Louisiana Territory, will illustrate how effectively the onward march has been maintained. In his excellent work on the economic history of the United States, Professor Bogart expressed the genius of the great movement when he thus wrote:

> The keynote of all American history, from whatever standpoint it may be written, is found in the efforts of a virile and energetic people to appropriate and develop the wonderful natural resources of a new continent and there to realize their ideals of liberty and government.

It is almost impossible for the traveler of today, who combines with the luxuries of an elegant home the speed of an eagle and the safety of a well-guarded child, to imagine the conditions of travel and transportation that obtained with our pioneer parents. Nevertheless the methods of travel have had such an important influence upon the course of history that historians have sometimes employed the agencies of transportation as a criterion in tracing the development of our western country. Thus Charles A. Beard has distinguished four periods, as follows: (1) The era of the forest-trail and old-road, extending from the beginnings of American history till after the close of the Revolution; (2) The epoch of the river-route, beginning near the close of the eighteenth century and extending to the time of the appearance of the steamboat on the Ohio; (3) The steamboat age, which—beginning about 1810—reached its height about 1850 and suffered relative decline since 1870; (4) The railway era, which dated its modest beginnings from the decade 1830-40.

Before the coming of the automobile and aeroplane, the farthermost West had been reached, the American frontier had disappeared. At the beginning the frontier was the Atlantic seaboard,—but this may rightly be regarded as the frontier of Europe, not of America. As it moved ever westward, it became more and more intensely American; and, as Professor Turner has so well pointed out,

> This perennial rebirth, this fluidity of American life, this expansion westward with its new opportunities, its continuous touch with the simplicity of primitive society, furnish the forces dominating American character.

Pioneers, then, were our most genuinely true Americans. That they were usually uncouth in outward appearance and perchance devoid of

classical learning, mattered little; that their ranks included many of the strongest, most virile, and most adventurous of men, who came to the backwoods to hew out their homes and rear their families after a manly fashion and in the fear of God,—that is of the utmost significance in the onflowing of history and in the molding of American character.

Previous to 1830 the westward movement carried with it no implication of a nation with continent-wide boundaries. Until the time of the completion of the Erie Canal the great bulk of the movement was from the middle states and the South—a poor white population, for most part, carving out homes of extreme simplicity but manly equality. Villages and farms dotted here and there the wide domain east of the Mississippi.

During the early phases of the controversy with Great Britain over the Oregon territory, even such a dreamer as Senator Benton did not dare openly to profess the belief that Oregon could ever be admitted to the American Union, though he did assert that "the greatest of all advantages to be derived from the occupation of this country is in the exclusion of foreign powers from it." Even acknowledging that the natural limit of the United States was set by the Rocky Mountain barrier, there would be cause for rejoicing in having aided in the establishment of "a new Republic," of like character and principles to our own, and in standing together "against the combined powers of the old world."

While our interest was yet active in the northwest, there developed a great American advance to the southwest. The desire for Texas—whatever other elements and motives were present—was a phase of the westward movement, that is, to employ the phrase of Ephraim D. Adams, "the call of manifest destiny,—the yearning for power and territory."

The cautious and isolated assertions of a continent-wide destiny for the United States at length gave place to a "positive and general profession of faith", in Polk's campaign of 1844. "Manifest destiny, in terms of expansion," says Professor Adams, "suddenly revealed itself as a powerful sentiment, against which the conservative minority struggled in vain."

In the meantime California was coming to occupy a central—even a dominating—part in the westward movement; its acquisition by the United States was one of the major purposes of President Polk as he entered upon his nationally important administration.

It had early been discerned by a few leaders that California—or certain portions of California—lay in the path of manifest destiny. But even before the acquisition of Louisiana, Yankee navigators had entered the ports of California, and even before the first attempts to secure California by purchase had been made, its borders had been entered by trappers and immigrants from the United States. Such men as Captain John Brown, who first touched at the port of San Francisco, in 1793, Captain Ebenezer Dorr, who put into Monterey in 1796, and Captain Jedediah Smith, who led his party of trappers overland into California in 1826, were representative of American expansion, who, unconsciously, by their accomplishments, did much in linking California to the great westward movement. And as California became better known in the East as a land of

promise, through enthusiastic reports from returned travelers like Robidoux, who had actually been there, and through letters or printed descriptions by early apostles of westward expansion like Hall J. Kelley, she became more and more powerful as a magnet whose drawing power was not to be resisted. Further illustration of California's place in the great westward movement must be left to later chapters.

To reach California or Oregon from the Mississippi or the Missouri necessitated an advance through the vast expanses of intervening territory; and so the very progress toward the distant goal along the Pacific slope became an important factor in the general westward movement. The Missouri River has aptly been called "the first and last of our great natural frontier roads," its lower courses skirting the eastern border of the vast western plains of the Mississippi Valley.

One of the most historic pathways of commerce and settlement between the American frontier and the Spanish towns of the Southwest was the Santa Fé Trail. Traffic on this trail began when in 1822 half a hundred men transported goods on the backs of pack animals. A few years later mules and wagons came into use, and in 1830 oxen made their appearance on the trail. Few persons today appreciate the magnitude or the significance of the commerce along this great wagon route. It was the Santa Fé Trail that brought the United States into vital touch with the Hispanic civilization of the Southwest.

Farther to the north the Oregon Trail and the Overland Trail, starting at the Missouri River and penetrating the mid-continent and the western mountains, were brought into use by adventurous traders, a little later by sturdy home seekers, then by the army of Forty-niners, and finally by the Pacific Railroad. Westport, Fort Laramie, Salt Lake City, and other points, gained much of their importance from being stations, or entrepots, along the newly established routes of travel to the Golden West. From very small beginnings of restricted forms of trade considerable volumes of business developed; notions of American law and civic relations follow quickly along the highways of trade; and soon are to be observed the home, the school, and the church,—those basic institutions which have ever been and must forever continue to be the mainstay of American civilization.

It remained for Frederick L. Paxson, in his admirable *History of the American Frontier,* to present the complete story of the frontier as an unbroken whole from 1763, when the western boundaries of the Colonies were defined by proclamation, down to our own time. The retreating frontier is followed from the Shenandoah Valley and the forks of the Ohio westward even to the Pacific.

The winning of the West is the great epic of the North American continent. It is the fascinating story, the thrilling drama of statesmen like Thomas Jefferson and Andrew Jackson and Thomas H. Benton; of hunters and trappers like Daniel Boone and Jedediah Smith and Captain

Bonneville; of guides and travelers like George Rogers Clark and Ewing Young and Kit Carson; of colonists and conquerors like Sam Houston and Captain Frémont; of sturdy settlers like Abel Stearns and George Yount and John Bidwell. It has been described as "the story of the log cabin and the covered wagon, of cowboys and the open range, of mining camp and railroad builders, of men hard living and self-reliant, and women drudging in endless hardship, lured on by the hope of giving their children a better life than their own." With the successive waves of the great westward migrations—in 1819, 1836, 1849, then in the '60s and the '70s—the United States was becoming constantly more distinctively American. It is no mere rhetoric to affirm that the history of the American frontier is in reality the history of the United States. And so its passing in these later years has been called the passing of the "most American thing in America."

> "We had a frontier once," writes Emerson Hough. "It was our most priceless possession. It has not been possible to eliminate from the blood of the American West, diluted though it has been by far less worthy strains, all the iron of the old home-bred frontiersmen. The frontier has been a lasting, an ineradicable influence for the good of the United States. It was then we showed our fighting edge, our unconquerable resolution, our undying faith. There, for a time at least, we were Americans."

The chief product of the westward movement has been the westerner himself. Your westerner has been your true American, for he enjoys close kinship with his native land and with the common man.

In Abraham Lincoln we behold the supreme American. Looking at Andrew Jackson, we see a powerful but crude, strong-willed statesman of the frontier who, in some respects, scarcely attained to real national stature; in Henry Clay we see pure western stock, but also eastern art,—two men, as it were, never completely fused into consistent, vital unity; but we behold in Lincoln the incarnation of the deeper history of his time and of his century. His "high and reverent simplicity," his profoundly human virtue, and the robustness of his moral fiber conspired to give him a practical sagacity and political sanity that stand as a beacon to subsequent generations. The humble westerner—wholly undistinguished American that he is—claims special kinship to the illustrious Lincoln.

The westerner by his very environment was largely free from the power of European precedents and European tradition. Far remote from the Atlantic seaboard, having neither opportunity nor inclination for intercourse with foreigners, he came to look at things independently and developed the habit of facing his own problems, depending for their solution on immediate self-help.

The absence of binding precedent, with "buoyant self-confidence and self-assertion," induced an originality and progressive quality that were often obscured by a backwardness and taciturnity in the presence of eastern culture which might easily have been mistaken for conservatism.

The restless energy of the pioneers, which made of one a miner, of another a farmer, and of a third a trapper or a tradesman, and which found expression in capacity for quick decision under changing conditions and a belief in the largest possible liberty of the individual made of them, as it were, a fruitful soil for the implantation of progressive ideas, whether in industry, politics, or education. At the same time, the rigorous discipline of hard work and the many vicissitudes of experience gave them a double portion of the saving grace of common sense.

With true consistency the frontiersman, impatient of restraint and emancipated from age-long traditions, could not brook the enslavements of aristocracy. The very equality among western settlers served as a check upon certain aristocratic tendencies which manifested themselves in the East.

Men who cast aside the traditions of early life and broke through the restraints of home to go West and grow up with the country, or try their fortune in California, were not likely to pay heed to the family tree and so to claim either immunity from hardship or arrogate to themselves any special prestige by virtue of their blood. Under the exacting, rough-and-ready conditions of Western democracy, the very last way to think of judging a man would be to judge him by his antecedents. The true criterion for estimating a man's work lay in the answer to the questions, Can he hold up his end? Will he always play square?

The frontier has always exercised a powerful influence for democracy: indeed, it has been observed that American democracy is in a fundamental sense the outcome of the American people in dealing with the West. This Western trait was clearly perceived by Professor Turner when he said:

> Among the pioneers, one man is as good as his neighbor. He had the same chance; conditions were simple and free. Economic equality fostered political equality. An optimistic and buoyant belief in the worth of the plain people, a devout faith in man prevailed in the West. Democracy became almost the religion of the pioneer. He held with passionate devotion the idea that he was building under freedom a new society, based on self government, and for the welfare of the average man.

Along with this democracy there was conspicuous among backwoodsmen a deep sense of substantial justice openly and directly arrived at, for the true westerner was ever ready to defend himself, but he strongly resented the law's delays, and restrictions of government were irksome to him. None was more ready to bestow true kindness or to show himself a friend to one in need, none more swift to rebuke the wrong doer. Miner's justice and the popular tribunal were nowhere more perfectly exemplified than in the thrilling days of early California history.

It is doubtless true that the man at the frontier forfeited, at least temporarily, many of the advantages of civilization. He was called upon to suffer hardness and privations of every sort and kind,—the rigors of life were his daily portion. Thus he exhibited certain aspects of a re-

version of life; the successive steps in the westward movement exhibited a continuous series of fresh beginnings, a perpetual rebirth of many of the elemental traits in the *genus homo*. But the simple life of the American frontiersman must never be mistaken for the savage life. The strength of youth, the culture of toil, the experience of civilization which he brought to his new task amidst primitive conditions,—these were well calculated to add resourcefulness to his being and confident ability and self-discipline as leading traits of a sturdy character.

Even men of ordinary clay became men of extraordinary vision under such circumstances. The man in the trail of the great West might not know all his facts, but at any rate he saw things large. Every real pioneer was an integer and not a fractional man,—he had to be to survive. No one has better expressed this trait than Ellen Semple, who wrote:

> Everywhere one notices a certain largeness of view in the ordinary Westerner. Even when uncultured and crude from lack of opportunity, he never takes a contracted view of things. He measures things with a big yardstick. The nomadic instinct is still in him, handed down by his emigrant forbears. Wherever he is found he has always come there from somewhere else. Hence he is never provincial and he is intensely, broadly American. Distance never appals him. . . . The areas of provincialism in the United States are few, and none of them are to be found west of the Mississippi River. The danger in the American point of view lies in the tendency to confuse bigness and greatness.

The West, with its crude idealism and largeness of view, "caught the vision of the nation's continental destiny." By 1830 the American frontier had crossed the Mississippi into the lands of the great Louisiana Purchase, and there the practice of democracy meeting the inspiration of nationality, the new element of territorial expansion quickly formed itself into an ideal of continent-wide national destiny. Manifest Destiny, taken up almost as a shibboleth by prominent statesmen, may have forced a wide and generous interpretation of the Monroe Doctrine, but at any rate it carried a leading rôle in the drama of California's acquisition and development and in rounding out the expansion of the nation to continental boundaries.

Incongruous though it may seem, a deep, unshakable religious faith characterized the typical westerner. His creed might be exceedingly simple, his words abrupt. Months might pass with no opportunity and little desire for public worship of any kind. But there can be no doubt that a rigorous adherence to a simplicity of faith in an overruling Providence sustained many a bold adventurer and steadied the step of many a path-breaker, when all other resources failed.

Manifestations of this deep religious undercurrent were varied, and often almost totally wanting. In rare instances, jubilation at some unexpected success or in celebrating the safe arrival at the end of the journey would take the form of ceremonious thanksgiving to God; in other instances, strict Sabbatarians religiously refrained from travel and all forms

of toil on Sunday; frequently, the death of a comrade brought to the surface the deeper things of the religious life.

Sometimes representatives of widely divergent denominations were thrown together by the exigencies of circumstance. Yet in the presence of common difficulties, or confronted by the problems of the march, it was possible for the strictest Calvinist, the straight-laced Methodist, and the orthodox Roman Catholic to work together with mutual respect.

While it is true that few were able to give a complete or coherent reason for the faith that was in them, and fewer still were disposed to parade their religion in the presence of strangers, it remains certain that religion itself was not only a factor in the life of the western American, but was to many the one brightest star of hope, the light that never failed.

An abundant supply of free land lying on the border of the settled portion of the United States has been the greatest single factor in giving character to the westward movement in our history and in shaping the traits of the western man. The large immigration to our shores from foreign lands, the building of highways, canals, and railroads, the natural pressure of our population along the Atlantic seaboard upon the Appalachians and beyond,—these were some of the leading elements that entered into the complex of our expansion to the west. "But the most potent and persistent factor," to adopt the words of Miss Semple, "has always been the presence of farm, field and forest to be had for the taking." Here was an open gateway to the freedom of the frontier, a standing challenge to a manly combat that held out large stakes for the winners, an opportunity for the common man to prove his worth and gain his independence. The courageous spirits who accepted the challenge, heeding the voice that bade them go west, builded better than they knew;—they preserved and extended the fundamentals of American democracy, they proved a solvent for the vast immigrant tide sweeping in upon our country, they gave prophecy of the continent-wide destiny of our Republic. The westerner is no longer an outlander, though there are still relics here and there; the westerner is the true American.

California is no exception to the rule; rather is California the West *par excellence*. "Here was a country," said Reverend Walter Colton, writing of 1846, "where furlongs stretch into leagues." Then, continuing,

> Every American in California shows his entire stature; no one is lost in the crowd; no voice is drowned by a general clamor; every action tells. It is a blow which thunders by itself on the great anvil of time. It is another rock rolled into the foundations of a mighty empire.

The right of way has been given to the man of the west. California, the Empire State of the Pacific, has become the "right hand of the continent."

CHAPTER II

JEDEDIAH STRONG SMITH, PATHFINDER OF THE SIERRAS

The first true representative of the United States to enter California by land was Jedediah Strong Smith, a beaver hunter and fur trader, whose dauntless spirit and Christian conscience give to his marvelous experience a unique place in our annals. Brave, indefatigable, and adventurous to a degree, he richly deserves the title "Knight in buckskin." He was a man of the Kit Carson stamp—"that type born to command, or at least to pursue original and independent lines of action."

In the late summer of 1823, Smith, a mere youth—though even then not without an early baptism of fire—headed westward in good earnest under Major Andrew Henry, partner of William H. Ashley. He was among the first white men to cross the great continental watershed by the South Pass of what later became the Oregon Trail. This enterprise, like many another of slighter significance, had as its chief objective the discovery and exploration of new territory for the exploiting of the rich fur trade. The real business of these men, however, as Robert G. Cleland cogently observes, "was not so much the taking of furs as the extension of American influence throughout the wilderness. They were the empire builders of the west."

Smith wintered among the Flathead Indians on the fringe of the country drained by the Columbia. Learning—probably from men of the Hudson's Bay Company—about the abounding country and favored climate of the Sacramento and the San Joaquin valleys, he quickly resolved upon a trip into Alta California. By late summer of 1826, as a partner in the fur concern of Sublette, Jackson and Smith, he was ready. At the head of fifteen followers he set resolutely forth from the rendezvous near Salt Lake, "to open the unknown country of the farthest Southwest."

Pushing on and on through the Great American Desert, in the direction of San Diego, nothing daunted by incredible hardships, the party finally crossed the Sierra Madre range of mountains through Cajon Pass, the vicinity of San Bernardino was entered, and in late November camp was made near San Gabriel, the seat of one of the most prosperous California missions.

California had thus been entered by land by a band of resourceful, westward-moving Anglo-Saxon adventurers from the United States of "the most steel-formed constitution and the most energetic minds." But the entrance into California of Jedediah Smith was no casual adventure

—it was the opening scene of as thrilling, romantic, and masterful a drama as ever graced the pages of western history.

It is not strange that the governor of Alta California, at that time an outlying territory of Mexico only recently emancipated from Spanish dominion, looked with deep suspicion upon such an intrusion of new blood and new ideas. It had been bad enough to suffer Yankee skippers to anchor more and more frequently along the coast since Captain John Brown's ship *Alexander* first touched at the port of San Francisco in 1793, though, truth to tell, American vessels came to be warmly welcomed by the *padres* and proved to be a greater and greater commercial convenience to the *rancheros;* the Yankee skippers provided a market for the chief California products and in turn supplied commodities in endless variety to the Californian population.

The possibility of interfering with the exclusiveness of California from the land side by the *gringo Americano,* however, was naturally viewed with genuine apprehension by Governor Echeandia and certain of his colleagues. California's early isolation from world affairs, the very integrity of her Arcadian age was indeed threatened by the inoffensive arrival of Smith and his band at San Gabriel in a state of personal need bordering on desperation.

For our knowledge of Smith's sojourn in California, we are greatly indebted to Harrison G. Rogers, the clerk of the company, much of whose record of daily occurrences has fortunately survived, though Rogers himself was a victim of hostile Indians in the frightful massacre on the Umpqua in July, 1828. Eleven other of Smith's men suffered the same sad fate.

In spite of the fact that the presence of Smith and his men in the province of California was contrary to Mexican law, and also that the leaders of the Americans were strict Protestants, the Franciscan monks at San Gabriel accorded them most generous treatment in the spirit of true hospitality. For November 30, Rogers wrote:

> They [padres] treat [us] as gentlemen in every sense of the word, although our apparel is so indifferent, and we not being in circumstances at this time to help ourselves, being about 800 miles on a direct line from the place of our deposit.

Glimpses of mission life and activities at San Gabriel, such as are to be gained from few other sources, are afforded by entries in Rogers' journal. On Monday, November 27, this grateful record was made:

> We got ready as early as possible and started a W. course, and traveled 14 m. and enc. for the day, we passed innumerable herds of cattle, horses and some hundred of sheep; we passed 4 or 5 Ind. lodges, that their Inds. acts as herdsmen. There came an old Ind. to us that speaks good Spanish, and took us with him to his mansion, which consisted of 2 rows of large and lengthy buildings, after the Spanish mode, they remind me of the British Barracks. So soon as we enc. there was plenty prepared to eat, a fine young cow killed, and a plenty of corn meal given us; pretty soon after the 2 commandants of the mission-

ary establishment come to us and had the appearance of gentlemen. Mr. S. went with them to the Mansion and I stay with the company, there was great feasting among the men as they were pretty hungry not having any good meat for some time.

The entry for the 29th gives us an intimate view of life at the Mission:

29th. Still at the Mansion. We were sent for about sunrise to drink a cup of tea, and eat some bread and cheese. They all appear friendly and treat us well, although they are Catholicks by profession, they allow us the liberty of conscience, and treat us as they do their own countrymen, or brethren.

About 11 o'clock, dinner was ready, and the priest come after us to go and dine; we were invited into the office, and invited to take a glass of gin and water and eat some bread and cheese; directly after we were seated at dinner, and everything went on in style, both the priests being pretty merry, the clerk and one other gentleman, who speaks some English. They all appear to be gentlemen of the first class, both in manners and habbits. The Mansion, or Mission, consist of 4 rows of houses forming a complete square, where there is all kinds of macanicks at work; the church faces the east and the guard house the west; the N. and S. line comprises the work shops. They have large vineyards, apple and peach orchards, and some orrange and some fig trees. They manufacture blankets, and sundry other articles; they distill whiskey and grind their own grain, having a water mill, of a tolerable quality, they have upwards of 1,000 persons employed, men, women, and children, Inds. of different nations. The situation is very handsome, pretty streams of water running through from all quarters, some thousands of acres of rich and fertile land as level as a die in view, and a part under cultivation, surrounded on the N. with a high and lofty mou., handsomely timbered with pine, and cedar, and on the S. with low mou. covered with grass. Cattle—this Mission has upwards of 30,000 head of cattle, and horses, sheep, hogs, etc. in proportion. I intend visiting the iner apartments to-morrow if life is spared. I am quite unwell to-day but have been engaged in writing letters for the men and drawing a map of my travels for the priests. Mr. Smith, as well as myself, have been engaged in the same business. They slaughter at this place from 2 to 3,000 head of cattle at a time; the mission lives on the profits. Saint Gabriel is in north latitude 34 degrees and 30 minutes. It still continues warm; the thermometer stands at 65 and 70 degrees.

Of Father Sanchez, then in charge of the Mission, Rogers writes:

I must say he is a very fine man and a very much of a gentleman.

Again, just before leaving the mission:

Old Father Sanchus has been the greatest friend that I ever met with in all my travels, he is worthy of being called a Christian, as he possesses character in the highest degree, and a friend to the poor and distressed. I ever shall hold him as a man of God, taking us when in distress, feeding, and clothing us, and may God prosper him and all such men; when we left the Mission he give Mr. S. an order to get everything he wanted for the use of his company, at San Bernardino.

Captain Smith made his way to San Diego, where he was closely questioned by the Governor. Why was he in California? His very presence in the province, only a few years after the Spanish yoke had

been thrown off by struggling Mexico, at a time of unrest and impending destruction of the entire mission system, might well have been regarded as a dangerous invasion.

Smith demeaned himself with wonderful self-control and was well schooled in the virtues of patience and fortitude. He explained the innocent character of his errand in California, stating that he had been "compelled to enter Mexican territory because of his lack of provisions and horses," and that he now intended to hasten northward to trap along the Columbia, thence to make his way to Salt Lake, the place of his deposit.

Much of Smith's story was mystifying to the Governor, whose vision scarcely extended to the Columbia—much less to Salt Lake; but he was impressed with the American's apparent honesty, which impression was deepened and confirmed when Smith produced a document, signed by a number of skippers then in the harbor, attesting his character and good faith. This seems to have been the turning point, and especially the last paragraph:

> We further state that, in our opinion, his motives for wishing to pass by a different route to the Columbia River on his return is solely because he feels convinced that he and his companions run great risks of perishing if they return by the route they came.

Finally, Smith was privileged to write to his men that he had got his passport signed by the Governor through the intercession of American shipmasters, particularly Captain William H. Cunningham, of the *Courier*. The long delay in southern California was almost at an end.

Admonished that they stay not upon the order of their departure from the province of California, the party of American invaders, after several days of busy preparation, were allowed to proceed northward. They set out on Thursday, January 18, 1827, but made slight progress indeed, as witness Rogers' entry:

> After we got ½ mile off the Mission, our unpacked horses, together with those that had packs on started and run 8 to 10 miles before we stoped them; one of the pack horses lossed 12 dressed skins, that Mr. Smith had got, from our old Father of San Gabriel mission, Joseph Sances. We traveled a direct course N. E. about 4 m. and we [arrived] at an Ind. farm house where we stayed on the 27th November, when we first reached the Spanish Inhabitants. Mr. S. and myself returning to the Mission, this evening.

Saturday, January 27, finds the party still at the Indian farm near San Bernardino. Instead of making quick time out of California, they dawdled along, pursuing a course where they were not likely to be intercepted, trapping and observing the country as they went. The course lay through the heart of the San Joaquin Valley, that wonderful inland empire which then supported numerous bands of degraded Indians and the beginnings of an extensive cattle industry, which later became one of the great wheat granaries for the nations of the world, and which to-

day knows no superior in the quantity and quality of its diversified agricultural and horticultural products.

Making camp somewhere near the upper stretches of the Stanislaus, or the Merced river, and fearful lest word of his much delayed leave-taking should reach San Diego, Smith felt constrained to address an explanatory letter to Father Duran of Mission San José. In this letter, dated May 19, he declares that he has made several attempts to cross the mountains,

> but the snows being so deep I could not succeed in getting over. . . . I considered this the most safe point for me to remain until such time as I can cross the mountains with my horses, having lost a great many in attempting to cross ten or fifteen days since. . . . Our situation is quite unpleasant, being destitute of clothing and most of the necessities of life, wild meat being our principal subsistance.

On May 20, leaving most of his men encamped in the valley of the Stanislaus, Captain Smith with two companions and seven horses and two mules, set forth to make this way through the high Sierras—not far from the invisible trail by which the Bidwell-Bartleson party made their historic entrance into California in 1841—*en route* for the Great Salt Lake. The snow on the mountain tops he found from 4 to 8 feet deep, "but it was so consolidated by the heat of the sun that my horses only sunk from half a foot to one foot deep."

In less than a month the three men reached their destination, after such frightful and devastating experiences as could be survived only by stout hearts and hardened bodies. When Captain Jedediah Strong Smith reported to his partners David E. Jackson and William L. Sublette on that June day in 1827, he had well and fairly earned the new title, "Pathfinder of the Sierras."

Nothing deterred by the desperate hardships thus far encountered and overcome, after a month's brief respite, Smith again set his face toward California, near the middle of July, this time at the head of a party of nineteen. Difficulties still greater than any hitherto experienced—especially the tragedy resulting from a treacherous Indian attack on the Colorado, which brought death to ten of his men and compelled the abandonment of most of his belongings—seemed to confront him at every turn. Nevertheless, the remnant of the party, pursuing the course of the previous year, finally succeeded in reaching San Gabriel.

Leaving two men at the southern mission, Smith made haste to join the party in the Stanislaus, but found them "in a very unpleasant situation; their supplies were almost exhausted and he without any to assist them." They had remained in California in violation of the Governor's orders and during Smith's absence had fallen under the displeasure of the Mexican authorities.

Troubles and hardships multiplied for Jedediah Smith. Making his way to Mission San José in search of desperately needed assistance, he was rudely seized and thrown into the filthy jail, where for three days

he was confined without food. Father Duran had accused the Americans of enticing his neophytes to desert the mission.

Placed under the necessity of seeing the Governor, Smith was permitted—being stript of his arms and under heavy guard—to proceed to Monterey. Fortunately an interpreter was found in the person of William E. P. Hartnell, "an English gentleman, [says the record] to whom Mr. Smith is under many obligations for his kindness and liberality towards him." Governor Echeandia showed much vacillation, and was no doubt deterred from more drastic action by the interest of four masters of American vessels than in Monterey harbor. The Americans appointed Captain John R. Cooper as agent for the United States in the matter, who signed a treaty agreement with the Governor whereby Smith was to leave the country after being permitted to secure some much-needed supplies. Smith then affixed his signature to a formal guarantee, as follows:

> I Jed. S. Smith, of Green township in the State of Ohio, do hereby bind myself, my heirs, executors, and principals in the sum of thirty thousand dollars for the faithful performance of a certain Bond, given to the Mexican Government, dated at Monterey, 15 Nov. 1827. Witness, Rufus Perkins.

Another extract from the contemporary record throws light upon the situation:

> After the conclusion of the treaty between Capt. Cooper and the governor, Mr. S. was allowed two months' time to make all necessary preparations to leave the Spanish province, so by very expeditious movements, he had himself prepared at the appointed time and very near the boundary line; but, on account of the lack of a boat to cross the Bonadventure, (which is very large) and only one particular route destined for him to pass, so he took his own leave and left the province by another route, where he knew he could cross the river without their assistance. Mr. Smith, being experienced and well acquainted with Spanish generosity, was unwilling to resign himself and property longer than the limited time for fear of further trouble.
>
> Mr. Smith's party was then 21 men strong (though soon after two men deserted) with sufficient supplies to have lasted him back to Little Lake. He moved on slowly up the Bonadventure, which was generally N. N. W., and passing numerous tribes of Indians, some of which were hostile, he continued on the route, still moving very slowly (and at the same time passing the winter) until the 13th of April, 1828, when, by examination and frequent trials he found it impossible to cross a range of mountains which lay to the East.
>
> We then struck off N. W., leaving the Bonadventure running N. E. and coming out of a large range of mountains impassable, until we came to the sea-coast.

The route through what is now Humboldt and Trinity counties, onward into Del Norte, proved to be the very extreme for roughness and difficulty. Rogers has left us some graphic pictures in his *Second Journal*. On May 14 he describes the traveling as "amazing bad"; it took them six hours to get the horses down a certain point, "some of them

falling about 50 feet perpendicular down a steep place into a creek; one broke his neck," etc.

Strangely enough, the men had no success in securing game for some time. For June 5 it is reported that though most of them went hunting, "they found nothing to kill; we killed the last dog we had along, and give out some more flour." And the following day, "the hunters returned without getting meat, and we were obliged to kill a horse for to eat." Three days later, however, we find a most cheering note:

> Capt. Smith started out again to try his luck and found a small band of elk and killed 3; he returned to camp and got some men and horses and brought all the meat in, which was a pleasing sight to a set of hungry men.

And still later one of the men "killed a buck elk that weighed 695 lbs. net weight."

On June 17 the record tells of another sort of annoyance, very real indeed, though usually neglected by historians:

> The day clear and warm, plenty of muskeatoes, large horse flies, and small knats to bite us and pesterous early of mornings and late in the evenings.

With his departure from California and his entrance into southwestern Oregon, about the 23d of June, 1828, we must take leave of Jedediah Smith. But first it must be set down how Harrison G. Rogers, faithful chronicler and stalwart Christian gentleman, met his fate July 14, at the hands of treacherous Indians, who fell upon the camp during the temporary absence of the Captain and killed all but two. It was an early and tragic but perhaps fitting end for one who proved himself to be quite out of the common, whose brave spirit went marching on.

The death of Rogers may be held to be prophetic of that of his chief. Smith did not again come into California. With John Turner, one of the two other survivors of the massacre, he proceeded to Vancouver, where he was shown many kindnesses as well as business favors by Doctor John McLoughlin, factor of the Hudson's Bay Company.

After two years' separation, he was enabled to rejoin his partners Sublette and Jackson, then in April, 1831, to set out from St. Louis upon a still larger venture into the Santa Fé region. Across the burning stretches of desert he pushed, the searing wind from the south full in his face. Unfamiliar with the road, Smith and his men struggled forward, and the further they went the more certain seemed their feverish search for the waterholes to end always in utter futility. Their situation changed from one of incredible hardship to one of cruel desperation, then frenzied mockery. Smith struggled doggedly onward, till he was miles from his company, when at length he came to the bed of the Cimarron, wherein he found pools of precious water. When all too late, as it seems, he perceived that instinct had momentarily triumphed over reason,—in neglecting the usual precautions for the sake of the needed refreshment, he

suddenly found himself surrounded by hostile Comanches, who ceased not in their fierce attack till they had done him to death.

The name of Jedediah Strong Smith is deserving of a prominent place in our California annals,—but his activities and his influence far outreach the borders of California. "He had traversed the first of the great transcontinental routes to California," writes Professor Cleland, "made known the valleys of the San Joaquin and Sacramento to the American trappers, and through them to American settlers; opened a line of communication from northern California to the Oregon country, a route the Hudson's Bay Company were quick to take advantage of; and traversed the Pacific slope from the Mojave Desert to Puget Sound." It is well that loyal westerners planned to celebrate in 1926 the centenary of his entrance overland into California.

CHAPTER III

JAMES OHIO PATTIE: "PERSONAL NARRATIVE"

Of all the stirring records of western adventure in our American history from the beginning till now the *"Personal Narrative of James Ohio Pattie* stands perhaps without a peer. For here we find recounted, with gripping detail and what would seem to be unmistakable tokens of authenticity in the larger aspects, a succession of incredible experiences, a series of astounding events so unbelievable as to bring wonderment and mystery that they could even happen to an individual—to say nothing of the added marvel that he himself could actually write them down for our perusal.

Reported disasters filling one with amazement; hair-breadth escapes without number; tragic episodes that evoke now a spirit of bitter resentment towards malefactors, now feelings of unutterable pathos for the youthful author of the journal, and now sentiments of unbounded admiration for exhibition of dogged persistence, fertility of resources, and unquenchable patriotism,—such are but the merest hint of the recounted actualities in the brief career of James Ohio Pattie, as western trapper and adventurer. At this point, however, it should be added in the interest of truth that the young adventurer did, without any reasonable doubt, indulge is not a few irresponsible, extravagant, and at times inconsistent statements, which tended to supplant feelings of sympathy and fairness toward the Californians as a class by a less favorable attitude and sometimes by feelings of bitterness and resentment.

Moreover, it is proper to note that Mr. Joseph J. Hill of the Bancroft Library is now inclined by his recent investigations to the conclusion that the Patties—father and son—were not the real leaders of the expedition that set out for California, but that they were merely members of the party that was led by George Yount, and that the division at the Gila River was the result of insubordination on their part.

Notwithstanding Pattie's propensity to exaggeration and prejudice, it would be difficult to over-emphasize the importance of our knowledge of the great Southwest derived from the wanderings of this typical product of the frontier, or to over-estimate his influence—unconscious though it was, for the most part—toward ultimate American ascendancy. Nevertheless he felt a sense of overwhelming defeat and chagrin when, after six years of unparalleled experience, he was compelled to accept passage money as an offering of benevolence on his return to the United States from Mexico.

The home of Sylvester Pattie in southern Missouri, which had been "the scene of domestic quiet, cheerfulness and joy, and the hospitable home of the stranger, sojourning in these forests, became dreary and desolate" by the death of Mrs. Pattie and the consequent orphanage of their nine young children. It was the irreparable loss of his beloved wife that finally led the dejected father to accept the advice of friends to sell his property and undertake the project of a trapping expedition up the Missouri and into the interior of New Mexico.

The decision once reached, arrangements were made and places were found for seven of the children among relations,—the youngest had followed the mother to the grave, and the oldest, James Ohio, had finally prevailed upon the father to be permitted to accompany him on the expedition.

In Sylvester and James Ohio Pattie were to be found *par excellence* the traits of "those western pioneers, the hunters of Kentucky." The editor of the original edition of the *Personal Narrative* (which is our invaluable source of information) Timothy Flint, thus characterizes them:

> With hearts keenly alive to the impulses of honor and patriotism, and the charities of kindred and friends; they possessed spirits impassable to fear, that no form of suffering or death could daunt; and frames for strength and endurance, as if ribbed with brass and sinewed with steel. For them to traverse wide deserts, climb mountains, swim rivers, grapple with the grizzly bear, and encounter the savage, in a sojourn in the wilderness of years, far from the abodes of civilized man, was but a spirit-stirring and holiday mode of life.
>
> To me, there is a kind of moral sublimity in the contemplation of the adventures and daring of such men. They read a lesson to shrinking and effeminate spirits, the men of soft hands and fashionable life, whose frames the winds of heaven are not allowed to visit too roughly. They tend to re-inspire something of that simplicity of manners, manly hardihood, and Spartan energy and force of character, which formed so conspicuous a part of the nature of the settlers of the western wilderness.

The little party made necessary purchases at St. Louis and made ready for the enterprise which called for undoubted courage, unremitting energy, and constant vigilance.

> We had ten horses packed with traps, trapping utensils, guns, ammunition, knives, tomahawks, provision, blankets, and some surplus arms, as we anticipated that we should be able to gain some additions to our number by way of recruits, as we proceeded onward. But when the trial came, so formidable seemed the danger, fatigue, distance, and uncertainty of the expedition, that not an individual could be persuaded to share our enterprise.

It was the 20th of June, 1824, when the five men constituting this memorable expedition crossed the Missouri River about sixty miles above St. Louis. For full details of the story, many of which are but indirectly connected with California history but all of which are of compelling human interest, the reader must be referred to the *Personal Narrative* itself.

The small party joined a larger expedition destined for New Mexico, and the entire company, numbering in all 116 persons, was placed under the command of Sylvester Pattie.

> It may be imagined, that such a caravan made no mean figure, or inconsiderable dust, in moving along the prairies. We started on the 6th of August, travelling up the main Platte, which at this point is more than a hundred yards wide, very shallow, with a clear sand bottom, and very high banks. . . . We arrived in the evening at a village of the Pawnee Loups.

Indian fighting came to be one of the necessary occupations of American trappers who secured the territory occupied by fierce and warlike tribes. On one occasion some Indians of the Crow tribe were taken as prisoners. To their great surprise and delight, after being duly warned, they were given their freedom.

> One of them, upon being released . . . gave my father an eagle's feather, saying, you are a good and brave man, I will never kill another white man.

Young Pattie gives us his idea of beauty in a landscape by making the record:

> From this spot, we saw one of the most beautiful landscapes, that ever spread out to the eye. As far as the plain was visible in all directions, innumerable herds of wild horses, buffaloes, antelopes, deer, elk, and wolves, fed in their wild and fierce freedom. Here the sun rose, and set, as unobscured from the sight, as on the wastes of ocean.

The following picture affords a glimpse of the manner of trading with Indians:

> Not a single Commanche was allowed to enter our camp, as arrangements were making for the Iotans to trade with us. All, who had any beaver skins, or dressed deer skins, were sent for. A guard was placed around in a circle, inside of which the skins were thrown down. Each Indian then inquired for the article he wanted. In this way we exchanged with them butcher knives, paint, and powder and ball, for beaver and deer skins, to the amount of fifteen hundred dollars, allowing them what we considered the value of the skins.

Trapping along the Gila and its tributaries, many furs were taken and prospects were excellent, but the maurading Indians stole their pack animals and compelled them to cache the furs, most of which were never recovered. Even after 150 of the furs had been recovered in an extraordinary manner, and others added to the pack, the entire catch was finally confiscated by the Mexican governor at Santa Fé, who pocketed the proceeds himself, on the ground that the Americans had been trapping without a license from him. One exciting episode followed another in rapid succession, hair-breadth escapes seemed for a time to be of almost daily occurrence.

Had the Patties been left free to trap, undisturbed by the Mexican authorities, from whom they were compelled to seek their license, and by the Indians, who occasioned constant solicitude, they would doubtless have made a comfortable fortune with comparative ease; but such was

not to be their lot,—their portion was to be repeated hardship, sore vicissitude, and deprivation of every comfort, which, in the end, brought a frightful death to the elder and disappointment and dire poverty to the younger man.

The deprivations the trappers were called upon to suffer might be illustrated by a score of entries in the *Personal Narrative*. Here is one of the earlier examples:

> On the 31st, we reached the top of the mountain, and fed upon the last meat of our beavers. We met with no traces of game. What distressed me most of all was, to perceive my father, who had already passed the meridian of his days, sinking with fatigue and weakness. On the morning of the first of April, we commenced descending the mountain, from the side of which we could discern a plain before us, which, however, it required two severe days travel to reach. During these two days we had nothing either to eat or drink. In descending from these icy mountains, we were surprised to find how warm it was on the plains. On reaching them I killed an antelope, of which we drank the warm blood; and however revolting the recital may be, to us it was refreshing, tasting like fresh milk. The most we put upon our horses, and travelled on until twelve o'clock, before we found water.

The pioneer trapper was indeed lion-hearted and bold under the crushing load of adversity, but he retained his human sympathies and was not unmoved by those sentiments of tenderness which are common to mankind and which ennoble the race. After a certain engagement with the Blackfeet in which the Indian braves were finally put to rout, the narrative continues:

> We found sixteen Blackfeet dead, and with infinite anguish, counted four of our own companions weltering in their blood. We buried them with sorrowful hearts, and eyes full of tears. Ah! Among those who live at home, surrounded by numerous relations and friends, in the midst of repose, plenty and security, when one of the number droops, and dies with sickness or age, his removal leaves a chasm that is not filled for years. Think how we must have mourned these brave men, who had shared so many dangers, and on whose courage and aid we had every day relied for protection. Here on these remote plains, far from their friends, they had fallen by the bloody arrow or spear of these red, barbarous Ishmaelites of the desert, but neither unwept nor unrevenged. Having performed the sad task of depositing the bodies of these once warm hearted friends in the clay, we ascended to the head of this river, and crossed the mountain that separates its waters from those of the Rio del Norte, which river we struck on the 20th.

On a subsequent expedition along the Puerco River, sixteen Americans—the younger Pattie among them—were suddenly attacked by a band of hostile Apaches. Extracts from the vivid description of this engagement are here introduced:

> At the break of this day, out sentinels apprized us, that savages were at hand. We had just time to take shelter behind the trees, when they began to let their arrows fly at us. We returned them the compliment with balls, and at the first shot a number of them fell. They remained firm and continued to pour in their arrows from every side. We began to find it exceedingly difficult to dodge them, though we gave them

some rounds before any one of our men was struck. At length one man was pierced and they rushed forward to scalp him. I darted from behind my tree to prevent them. I was assailed by a perfect shower of arrows, which I dodged for a moment, and was then struck down by an arrow in the hip. Here I should have been instantly killed, had not my companions made a joint fire at the Indians, who were rushing upon me, by which a number of them were laid dead. But the agony of my pain was insupportable, for the arrow was still fast in my hip. A momentary cessation of their arrows enabled me to draw out the arrow from my hip, and to commence re-loading my gun. I had partly accomplished this when I received another arrow under my right breast, between the bone and the flesh. This gave me less pain than the other shot, and finding I could not by an effort extract the arrow, I snapped it off, and finished loading my gun. The Indian nearest me fell dead, and I hobbled off, glad to be once more sheltered by a tree. My companions were not slow in making their rifles crack, and in raising mutual cheers of encouragement. The Indians were vastly our superiors in numbers, and we found it convenient to slip under the river bank. We were now completely sheltered from their arrows. After we had gained this security, they stood but a few shots more, before they fled, leaving their dead and wounded at our mercy. Truth is, we were too much exasperated to show mercy, and we cut off the heads of all, indiscriminately.

Our loss was one killed, and two wounded, another beside myself though neither of us dangerously. The Indians had 28 killed.

The mineral wealth of New Mexico and Arizona, which may be regarded as at that time parts of Alta California, did not remain unobserved. For one day the record reads:

All this day's march was along a country abundant in minerals. In several places we saw lead and copper ore. I picked up a small parcel of ore, which I put in my shot-pouch, which was proved afterward to be an ore of silver. The Misfortune of this region is, that there is no water near these mineral hills.

Another entry describes the silver mines of "Carrocha," which were considered the richest of all the silver mines of New Mexico. "There are about 800 miners working this mine, and they have advanced underground at least half a mile."

An interesting sidelight is thrown upon the personal courage of James Ohio Pattie by his narrative of encounters with grizzly bears. On one occasion becoming aware that a bear had entered a dark cave near the camp, he proposed to his lone comrade that they should enter the cave together with the assistance of torches made of pine knots.

Finding it impossible to prevail on him to accompany me, I lashed my torch to a stick, and placed it parallel with the gun barrel, so that I could see the sights on it, and entered the cave. I advanced cautiously onward about twenty yards, seeing nothing. On a sudden the bear reared himself erect within seven feet of me, and began to growl, and gnash his teeth. I levelled my gun and shot him between the eyes, and began to retreat. Whatever light it may throw upon my courage, I admit, that I was in such a hurry, as to stumble, and extinguish my light. The growling and struggling of the bear did not at all contribute to allay apprehensions.

Fortunately the bear was later found dead—the largest the hunter had ever seen!

On a subsequent occasion the frightful encounter with a she-bear, mother of three cubs, was even more hair-raising. Being painfully wounded by his companion she "made at him in terrible rage. He sprang up his tree, the bear close at his heels. Then directing her attentions to Pattie he waited till she was within six feet, then, taking true aim at her head, his gun flashed in the pan!

> She gave one growl and sprang at me with her mouth open. At two strides I leapt down the unperceived precipice. My jaw bone was split on a sharp rock, on which my chin struck at the bottom. Here I lay senseless. When I regained recollection, I found my companion had bled me with the point of his butcher knife, and was sitting beside me, with his hat full of water, bathing my head and face. It was perhaps an hour, before I gained full recollection, so as to be able to walk.

Recovery from his frightful injury required several weeks, during which the hunter ate neither meat nor bread, "being able to swallow nothing but liquids."

Referring to farming methods observed in Nueva Viscaya, we have this account:

> These people raise a great quantity of stock, such as horses, cows, sheep and goats. Their farming implements are clumsy and indifferent. They use oxen entirely in their agriculture. Their ploughs are a straight piece of timber, five feet long and eight inches thick, mortised for two other pieces of timber, one to be fitted to the beam, by which the oxen draw, and another to the handle, by which the man holds the plough. The point that divides the soil, is of wood, and hewed sloping to such a point, that a hollow piece of iron is fastened on it at the end. This is one inch thick, and three inches broad at top, and slopes also to a point.
>
> Their hoes, axes and other tools are equally indifferent; and they are precisely in such a predicament, as might be expected of a people who have no saw mills, no labor saving machinery, and do everything by dint of hard labor, and are withal very indolent and unenterprising.

At San Tepec, meeting again some of his original American companions, Pattie inquired about his friends and fellow trappers:

> Some had died by lingering diseases, and others by the fatal ball or arrow, so that out of 116 men, who came from the United States in 1824, there were not more than sixteen alive. Most of the fallen were as true men, and as brave as ever poised a rifle, and yet in these remote and frozen deserts found not even the benefit of a grave, but left their bodies to be torn by the wild beasts, or mangled by the Indians.

Is it any wonder that it was always necessary to contend against the temptation of splitting up the parties and especially the danger of outright desertion? In the journal it is well observed:

> Men of incompatible tempers and habits are brought together; and such expeditions call out innumerable occasions to try this disagreement of character. Men, hungry, naked, fatigued, and in constant jeopardy, are apt to be ill-tempered, especially when they arrive at camp, and instead of being allowed to throw themselves on the ground, and

> sleep, have hard duties of cooking, and keeping guard, and making breast-works assigned them.

Again, it was but natural that in the face of desperate danger to life and limb some bold spirits would chafe under discipline, imagining they could devise a more perfect way. But the "grand difficulty" was engendered by feelings of superiority entertained by the men who had become expert—by the "perception of their own comparative importance, a keen sence of self-interest, which sharpens in the desert."

On the other hand, men were often bound together in self-protection when the spirit of individualism would have dictated a separation—self-preservation was indeed a first law of nature. Many a friendship was so firmly cemented by never-to-be-forgotten desert experience or on the winding trail over the mountains of despair as not to be broken by the worst that earth could bring.

The story of the elder and the younger Pattie, thrilling as it is, could not command space in this volume but for the fact that it is significant for California. Bearing in mind that it would be grossly erroneous to think of the California of a century ago in terms of the present boundaries of our great State, it is of interest to know that the Patties actually entered our present borders and that James Ohio traversed no inconsiderable portions of its territory.

When one of the employees of the mine at Santa Rita absconded, leaving the Americans almost bankrupt, and when they learned of a decree of the Mexican government closing the mine itself, they were again compelled to resort to the beaver traps. It was late in September, 1827, when the Patties, with about thirty companions, set out from Santa Fé to trap on the Gila. By the first of December they reached the junction of the Gila with the Colorado. In the meantime misunderstanding and friction had caused a division, after which the Pattie party numbered but eight persons.

Under cover of a heavy storm and the blackness of night a band of Yuma Indians stampeded all their horses, leaving the Americans no choice but to build canoes from the cottonwoods for transport to the Mexican settlements. Down the Colorado they floated, their store of beaver skins rapidly increasing from day to day.

> We continued to float slowly downwards, trapping beavers on our way almost as fast as we could wish. We sometimes brought in 60 in a morning. The river at this point is remarkably circuitous, and has a great number of islands, on which we took beavers. Such was the rapid increase of our furs, that our present crafts in a few days were insufficient to carry them, and we were compelled to stop and make another canoe.

But as they approached the gulf they found that the land "is exceedingly marshy, and is the resort of numerous flocks of swans, and blue cranes." The beaver fur becoming shorter and less valuable, trapping was of less and less importance. Worse still, the gulf tides were encountered, and it became impossible to proceed;—

the surf came up the river so strong that we saw in a moment that our crafts could not live, if we floated them into this tumultuous commotion of the water.

It was concluded to abandon the canoes that had been so laboriously constructed, bury the stock of furs and make their way across the peninsula to the California coast. The gruelling journey across Lower California was begun February 16. Its character may be imagined in part from brief extracts from the *Personal Narrative:*

> We had been unused to walking for a great length of time; and this commencement was a rude experiment of resuming the habit. At two in the afternoon, we reached the edge of a large salt plain, which runs parallel with the river. Here we struck a north west course, and travelled the remainder of this hot and fatiguing day without finding any water. We began to suffer severely from thirst. The earth, also, was so loose and sandy, that at every step we sank up to our ankles, the sun beaming down a fierce radiance the while; which made it seem as if the heavens and the earth were on fire. Our tongues became so parched, that not a particle of moisture flowed into our mouths. In this miserable and forlorn condition, abandoned by strength, courage and hope, we found some little alleviation of our misery, when the blaze of the sun was gone, and the cool night enabled us to throw down our weary and exhausted bodies under its dewy shade.
>
> What with the fierce sun and the scorching sand, and our extreme fatigue, the air seemed to have extracted every particle of moisture from our bodies. In this condition we marched on until nearly the middle of the day, without descrying any indication of water in any quarter.
>
> We attempted to chew tobacco. It would raise no moisture. We took our bullets in our mouths, and moved them round to create a moisture, to relieve our parched throats. We had travelled but a little farther before our tongues had become so dry and swollen, that we could scarcely speak so as to be understood. In this extremity of nature, we should, perhaps, have sunk voluntarily, had not the relief been still in view on the sides of the snow covered mountains.

The very limit of desperation was finally reached. Marching on a few dreary miles farther, it is recorded:

> Two of our companions here gave out, and lay down under the shade of a bush. Their tongues were so swollen, and their eyes so sunk in their heads, that they were a spectacle to behold. We were scarcely able, from the condition of our own mouths, to bid them an articulate farewell. We never expected to see them again, and none of us had much hope of ever reaching the mountain, which still raised its white summit at a great distance from us. It was with difficulty that we were enabled to advance one foot before the other. Our limbs, our powers, even our very resolutions seemed palsied.

One of the most touchingly beautiful pictures in the entire record is that of the filial devotion of James Ohio Pattie when his father had given out completely and resigned himself to die.

> I instantly determined to remain with my father, be it for life or death To this determination he would by no means consent, as he remarked it would bring my destruction, without its availing him. On the contrary, he insisted, that I should go on with the rest, and if I found any water near at hand, that I should return with my powder horn

> full. In this way be assured me, I might be instrumental in saving my own life, and saving him at the same time. To this I consented.

Having toiled to the summit of a second sandy hill, lo and behold:

> The Eternal Power, who hears the ravens when they cry, and provideth springs in the wilderness had had mercy upon us! Imagine my joy at seeing a clear, beautiful running stream of water, just below us at the foot of the hill! Such a blissful sight I had never seen before, and never expect to see again. We all ran down to it, and fell to drinking.

With the help of Indian guides the little company came finally to the Dominican mission of Santa Catalina, where instead of receiving a kindly reception and needed relief, they were rudely thrown into the guard house and for a week subjected to rough treatment and scanty fare. Conducted by a file of soldiers over a two days' journey to Mission Saint Sebastian, they were ordered to make ready to proceed under guard for San Diego, in Alta California, the seat of the governor's residence.

Let Pattie continue the narrative:

> On the 27th, at eight A. M., we were ushered into the general's office, with our hats in our hands, and he began his string of interrogations. The first question was, who we were? We answered, Americans. He proceeded to ask us, how we came on the coast, what was our object, and had we a passport? In answer to these questions we again went over the story of our misfortunes. We then gave him the passport which we had received from the governor of Santa Fé. He examined this instrument, and with a sinister and malicious smile, observed, that he believed nothing of all this, but considered us worse than thieves and murderers; in fact, that he held us to be spies for the old Spaniards, and that our business was to lurk about the country, that we might inspect the weak and defenceless points of the frontiers, and point them out to the Spaniards, in order that they might introduce their troops into the country; but that he would utterly detect us, and prevent our designs.—This last remark he uttered with a look of vengeance; and then reperused the passport, which he tore in pieces, saying, it was no passport, but a vile forgery of our own contrivance.

The strangers were amazed and confounded by Echeandia's conduct, and were resolved to seek redress or die in the attempt; but on being remanded to the vile prison they were dismayed to find that their arms had been removed. They were not even afforded the boon of companionship together, but locked up in separate cells. Young Pattie described his prison as "a cell eight or ten feet square, with walls and floor of stone." A door of iron bars grated on immense iron hinges, and above was inscribed the legend, *destinacion de la Cattino.*

In condemning Echeandia's harsh treatment of the Americans, the uneasiness and suspicion occasioned by Smith's recent expeditions must be recalled; the governor had reason for alarm; and besides, his own security might depend on his upholding a most rigorous policy toward the troublesome strangers.

The fierce buffeting of soul no less than the poor fare and execrable physical treatment proved too much for the undermined health of Syl-

vester Pattie, who was speedily gripped with fatal illness. The dutiful son was denied all access to the anguished father, now in direst extremity. Pitiful indeed was the helplessness of lion-hearted James Ohio Pattie when a note from his dying father reached him.

> What a note! I appeal to the heart of every good son to understand what passed within me. This note was written on a piece of paste board torn from his hat. The characters were almost illegible, for they were written with a stick, and the ink was blood, drawn from his aged veins. He informed me that he was very ill, and without any hope of recovery, that he had but one wish on this side the grave, and that was, to see me once more before he died. He begged me to spare no entreaties, that the general would grant me permission to come and see him a last time; but, that if this permission could not be obtained, to be assured, that he loved me, and remembered me affectionately, in death.
>
> This letter pierced me to the heart. O, could I have flown through my prison walls! Had I possessed the strength of the giants, how soon would I have levelled them, even had I drawn down destruction on my own head in doing it. But I could own nothing in my favour, but a fierce and self devouring will.

After the tragic end of his father, young Pattie found opportunity now and again to act as interpreter for the governor, who even relaxed somewhat, at times, from his attitude of extreme rigor. As Smith had come before him, he sought and secured valued assistance at the hands of the captains of vessels of his countrymen then in the harbor. These captains included John Bradshaw, Seth Rogers, Aaron W. Williams, and N. Cunningham.

Pattie used every opportunity to urge that permission be granted himself and companions to return to their cache on the Colorado to secure their wealth of furs. After many vicissitudes the precious boon seemed almost ready to be grasped—and assuredly there was no real intention to return with the store to the vile mission prison—when the trappers' feeling of anticipation and almost buoyancy was transformed into utter dejection on being informed that one of their party must remain as hostage for the return of the others—and the one selected as hostage was Pattie *himself*.

> At this horrible sentence, breaking upon us in the sanguine rapture of confidence, we all gazed at each other in the consternation of despair. Some of our company remarked, that they had better abandon the expedition altogether, than leave me behind. Others stood in mute indecision. We had all in truth confidently anticipated never to return to this place again. My indignation, meanwhile, had mounted to such a pitch, as wholly to absorb all sense of personal danger, or care about myself. It seemed as if Providence had put the unrelenting seal of disappointment to every plan I attempted to devise. I told them to go, and not allow my detention to dishearten, or detain them, for that I had no fear of any thing, the general could inflict, that I had little left, but life to relinquish, and that their refusal to go, as things now were, would be taken for ample proofs, that we were spies, and would ensure our condemnation and the conviction, that we never had intended to return.

They agreed to go, pledging "their honor and everything sacred, that they would return, if life was spared them." The names of those thus permitted to go are given as: Nathaniel Pryor, Richard Laughlin, William Pope, Isaac Slover, Jesse Ferguson, and James Puter. Most of these are known to have later become residents of California.

The river's overflow had ruined the furs: hence the party, with the exception of two members who left for New Mexico, returned to San Diego, to be again remanded to prison, each to his separate cell. There they were kept for months, not being permitted even to see the outside of the prison.

Now arises an astonishing situation. The dread smallpox began to rage in the upper part of the province, and casualties multiplied. General Echeandia was besought "to devise some means to put a stop to the disease, which seemed to threaten the country with destruction." On learning that the older Pattie had had among his effects a limited quantity of vaccine, the governor promised James Ohio Pattie a passport for a year if he would vaccinate all the people on the coast, agreeing also, under certain conditions, to pay him for his services and give him his liberty. It was now Pattie's opportunity and Echeandia's extremity—the amateur surgeon demanded such terms as threw the general into a torrent of rage.

At this point the *Personal Narrative* reveals some of the traits that sustained Pattie on many a trying occasion, while illustrating admirably his capacity for making infinite trouble for an enemy.

> Upon hearing this his rage burst forth. He told me I was a devil; and that if I did not choose to take the offer he had made, he would compel me to perform its conditions, or put me to death. I replied, that he could take my life; but that it was beyond his power to compel me to execute his commands, adding, that life or liberty would be no object to me, if my companions were denied the enjoyment of them with me. They had had the alternative in their power of leaving me in prison to suffer alone, or returning to share my captivity, and had chosen the latter; I concluded by saying, that rather than accept of liberty while they remained in prison, I would undergo all the torments his *excellency* could devise. He said he might as well let loose so many wolves to ravage his country, as give myself and companions the liberty I required; adding, that he gave me twenty-four hours to reflect on the alternative of his wrath, or my liberty upon the conditions he had proposed. I was now remanded to prison. As I walked out, I remarked to the General, that my resolution was fixed beyond the possibility of change. He made no reply, and I proceeded to prison.

More bad news from the north forced the governor to come to terms with Pattie; and after a series of wierd experiences the campaign of wholesale vaccination against the raging smallpox was opened.

> "On the 18th of January, 1829," we read in the narrative, "I began to vaccinate; and by the 16th of February, had vaccinated all the people belonging to the fort, and the Indian inhabitants of the mission of San Diego."

With a year's liberty on parole for himself and companions, and a rather dubious prospect for monetary compensation, Pattie then entered upon the stupendous task of proceeding from mission to mission to vaccinate virtually the entire population of the province. Here we have a record, unique in the annals of surgery, of 22,000 persons scattered over Alta California, vaccinated by an imperturbable American trapper named James Ohio Pattie, "sometimes surgeon extraordinary to his Excellency, the Governor of California." He has left us a translation of a paper handed him by the Spanish priest at San Francisco, from whom he was to receive his compensation. It is as follows:

> I certify, that James O. Pattie has vaccinated all the Indians and whites on this coast, and to recompense him for the same, I give the said James O. Pattie my obligation for one thousand head of cattle, and land to pasture them; that is, 500 cows and 500 mules. This he is to receive after he becomes a Catholic, and a subject of this government. Given in the mission of St. Francisco on the 8th of July, in the year of 1829.
>
> John Cabortes.

When he read this remarkable document he was struck dumb. His was not the disposition to be thus coerced into Catholicism nor into loyalty to a government he had so roundly condemned. Said he, "My anger choked me." Throwing to the winds—as he so many times had done before—all prudential considerations, he announced to the priest,

> that I would not change my present opinions for all the money his mission was worth; and moreover, that before I would consent to be adopted into the society and companionship of such a band of murderers and robbers, as I deemed were to be found along this coast, for the pitiful amount of one thousand head of cattle, I would suffer death.
>
> When I had thus given honest and plain utterance to the feelings, which swelled within me, the priest offered me to leave his house. I walked out quickly, and possessed myself of my rifle, as I did not know, but some of his attendants at hand might be set upon me; I hastened away, and proceeded to a *ranch*, where I procured a horse for three dollars, which I mounted, and took the route for Monte El Rey. I did not stop, not stay on my journey to this place. I found upon my arrival there, an American vessel in port, just ready to sail, and on the point of departure.
>
> Meeting the Captain on shore, I made the necessary arrangements with him for accompanying him, and we went on board together. The anchor was now weighed, and we set sail. In the course of an hour, I was thoroughly sick, and so continued for one week. I do not know any word, that explains my feelings in this case so well as that of heart sickness. I ate nothing, or little all this time; but after I recovered, my appetite returned in tenfold strength, and I never enjoyed better health in my life. We continued at sea for several months, sailing from one port to another, and finally returned to that of Monte El Rey, from which we had set sail.

At this time (January, 1830) California was distraught by the Solís revolt against the governor. Flushed with his early success and encouraged by the way the inhabitants flocked to his standard, General Joaquin Solís had reason to believe that within a few months the whole coast would be secure in his possession. "The professions of the kind purposes

of the insurgent towards the English and Americans," in contrast to the disesteem in which Echeandia had been held, inclined the foreigners to an attitude of friendliness toward Solís; but when he threw off the mask of friendly professions and made dire threats with regard to their future treatment, this attitude was quickly reversed and the hostility of the Americans became the determining factor in the complete collapse of the insurrection and the final deportation of Solís himself.

The interested foreigners, including Scotch, Irish, English, Dutch, and Americans—the Americans strongly predominating—being now intent on frustrating the plans of Solís, rallied to the support of Echeandia. A barrel of "good old rum" was rolled out among the insurgent's followers to such good purpose that in due time, as Pattie facetiously remarks,

> We, like good Christians, with the help of some of the inhabitants, conveyed them into some strong houses, which stood near, while they remained in their helpless condition, locking the doors safely, that no harm might come to them.

The final upshot of the series of rather inglorious episodes that followed was the complete suppression of the revolt and the capture of its leader.

The governor, fully cognizant of the conspicuous service Pattie had rendered him, was non-plussed when the proud American spurned his proffer of Mexican citizenship and his promise of "something handsome to begin with," if he would remain in California! Pattie steadfastly refused, demanding his passports to the United States, *via* Mexico City. Meantime, he had been privileged to recount his melancholy experiences to a visiting American consul, on whose advise he had made out a statement of his losses incurred chiefly because of being detained at San Diego.

And so it was that James Ohio Pattie, as stormy a petrel and stout a heart as ever entered this western country, left California on board the same vessel that carried the insurgent prisoners back to Mexico. His trusty rifle, which Captain Cooper had been exceedingly desirous of purchasing, was presented to his friend the captain,

> for I could not think of bartering for money, what I regarded, as a tried friend, that had afforded me the means of subsistence and protection for so long a time. My conscience would have reproached me, as though I had been guilty of an act of ingratitude.

From San Blas Pattie made his way overland to Mexico City, where he presented his claims, without avail, to Anthony Butler, American *chargé d'affaires,* and had an audience with the president, who gave him a passport to Vera Cruz. Compelled to accept passage money from the American consul and others, he went on board the vessel that was to take him back to his native land. A single paragraph from the *Personal Narrative* must suffice to reflect the emotions of dejection and disappointment of this remarkable man:

> It would be idle for me to attempt to describe the feelings that swelled my heart, as the sails filled to bear me from the shores of a

> country, where I had seen and suffered so much. My dreams of success in those points considered most important by my fellow men, were vanished forever. After all my endurance of toil, hunger, thirst and imprisonment, after encountering the fiercest wild beasts in their deserts, and fiercer men, after tracing streams before unmeasured and unvisited by any of my own race to their source, over rugged and pathless mountains, subject to every species of danger, want and misery for seven years, it seemed hard to be indebted to charity, however kind and considerate it might be, for the means of returning to my native land.

Little is known of Pattie's subsequent career. Filled with an adventurous spirit and animated by an almost fanatical patriotism, it is not altogether surprising that he was later found among the gold hunters of California. It is gratifying to record that in spite of all his torture of body and anguish of spirit, he had not failed to be impressed by the charm of the country itself. The time of his departure being at hand, he had written:

> The misery and suffering of various kinds, that I had endured in some portions of it, had not been able to prevent me from feeling, and acknowledging, that this country is more calculated to charm the eye, than any one I have ever seen. Those, who traverse it, if they have any capability whatever of perceiving, and admiring the beautiful and sublime in scenery, must be constantly excited to wonder and praise. It is no less remarkable for uniting the advantages of healthfulness, a good soil, a temperate climate, and yet one of exceeding mildness, happy mixture of level and elevated ground, and vicinity to the sea.

CHAPTER IV

THE FRUITS OF A DECADE (1830-40)

Obviously it would not be possible—nor indeed is it necessary—to undertake even a brief recital of the stirring activities of all the leading trappers and traders from the United States who penetrated into the precincts of Arcadian California, blazing trails that later widened into open highways to the farthermost West. There was William Wolfskill, who entered Los Angeles, and David Jackson, who reached San Diego in 1831; there was Captain Bonneville, classical scholar and *bon vivant* explorer, whose expedition of 1832-33 will ever be memorable in literature as well as commerce; there were J. J. Warner, Joseph Walker, Ewing Young, and a considerable list of other worthies, some of whom settled permanently in California and became prominent citizens, all of whom contributed to the interesting and romantic history of the period.

Even earlier the process of filtration into California had begun. Previous to 1826 the record shows that half a hundred foreigners had already taken up residence in the territory. These men, as a class, including such well-known names as William E. P. Hartnell, David Spence, and Samuel Cooper, had become adopted citizens of Mexico and were exercising considerable influence in the home of their adoption. Of the pioneers of 1826 Henry D. Fitch and William G. Dana were among the most prominent; and for the following year mention should be made of John Temple, conspicuous in the annals of Los Angeles, and Robert J. Elwell.

Among the pioneers of 1828 and 1829 it must suffice to mention the names of William Pope, Nathaniel Pryor, Captain William S. Hinckley, Alfred Robinson, and—perhaps most prominent of all—Abel Stearns. During this period numerous applications were received by the Mexican governor for legal permits to travel and to remain in the country, to marry native women, and to become naturalized citizens. Grateful appreciation is here expressed for the painstaking work done by Hubert Howe Bancroft in compiling his elaborate "Pioneer Registrar and Index, 1542-1848," which constitutes an invaluable supplement to his *History of California.*

In the meantime, it is proper to record the fact that the general period from 1826 to 1832 was marked by the opening of the trappers' trails to California. It is not generally known that early trappers made their way over no fewer than six different trails through the Southwest to California and that during this period the men engaged in the trade probably numbered in the aggregate into the thousands. While the

names of a hundred or more of these have been preserved, it is likely that the names of hundreds of others will never again be known.

How the Californians received these interlopers and reacted toward them is chiefly a phase of the history of the Mexican period. How the adventurous *gringos* broke down the wall of Californian exclusion is an interesting and important part of the American history of this western land. Fortunate are we of a later and softer generation in the heritage of sterner stuff revealed in the lives of these sturdy wilderness breakers. No picture of the final occupation and acquisition of California is either complete or accurate that does not show, in proper perspective, the moving, dynamic force of the American men of the West of the decade from 1830 to 1840.

Following the lead of the ever memorable expeditions of Smith and Pattie, numerous other fur-trapping parties reached California during this period. Of these the parties led by Young, Jackson, Wolfskill, and Walker were among the most significant. Ewing Young, a member of that group of remarkable frontiersmen from Kentucky, who quite surely deserves not a little of the credit usually accorded to James Ohio Pattie, led a party from the Rio Grande to the Pacific Coast and back again, thus opening up a new route between Santa Fé and Los Angeles.

With seventeen men he set out in August, 1829, from Taos, New Mexico. Christopher ("Kit") Carson, one of the greatest scouts that ever blazed a trail, was with the party bound for California; and he has left a valuable account of the trip. Traveling northwest to the Grand River, they proceeded to the Green River, thence in a southwesterly direction to the Colorado. From there they continued almost along Smith's route to California, breaking a path known as the Old Spanish Trail. Turning northward the party passed through the Tehachapi Pass and entered the great San Joaquin Valley. It was here they met the trapping party of Peter Skene Ogden of the Hudson's Bay Company, which had come down from Oregon. During the year 1830 Ogden was industriously trapping the rich beaver streams of California's great interior valley.

Crossing to the westward, Young called at Mission San José in July, 1830, and, after trapping for some weeks on the San Joaquin and its tributaries, he returned southward to Los Angeles. His men became intoxicated and for a time gave themselves up to debauchery. Young hastily took his departure for the East, reaching Taos in the spring of 1831. He entered at once into partnership with William Wolfskill, another Kentuckian, who had eight years of experience as trapper and trader in Mexico.

Setting forth from Taos in the autumn of 1830 Wolfskill had proceeded to California by way of Grand and Green rivers, thence to the Colorado and Sevier rivers, and finally—after serious disaffaction because of the bitter cold in the Sierras—through Cajon Pass and into Los Angeles. Here the party was dissolved in February, 1831.

During the following year Wolfskill engaged in sea otter trade, later acquiring extensive land holdings in which he planted a large vineyard. He enjoys the reputation of having been the first man to engage in the citrus fruit industry in California on a commercial scale and to make shipment of oranges to the eastern market. One of the most far-reaching results of the Young and Wolfskill expeditions was the opening of the Old Spanish Trail for regular caravan trade, which later attained great volume, between Los Angeles, Santa Fé and Saint Louis. Other pioneers of 1830 included Henry J. Bee and Gorham H. Nye: but it is Ewing Young who deserves to be designated the first real successor of the Patties, if, indeed, it is not unjust to assign him any secondary place whatever. Wolfskill, George C. Yount and Lewis Burton were among those taking up residence in California.

In September, 1831, a combined trapping and trading expedition under direction of the firm of Jackson, Waldo and Young, left Santa Fé for southern California. The first section of the expedition was in charge of David E. Jackson, former partner of Jedediah Smith and William Sublette. The main purpose was to purchase a large supply of California mules, noted for their large size and well-formed bodies. Following Pattie's trail across the Gila and the Colorado, the party made its way across the Salton Sink, reaching San Diego in early December. Turning northward the trappers passed through Los Angeles and proceeded to San Francisco; but they met with considerable disappointment because they were able to procure only six hundred mules and one hundred horses instead of the two thousand mules desired.

It was a part of the plan that Ewing Young, who was placed in command of the second section of the expedition, should trap along the Gila and the Colorado, then join Jackson in Los Angeles and assist in driving the mules to Santa Fé. After considerable vicissitude the combined expedition set out for the Colorado in May, 1832. Twelve days were required to get the mules across the river; then the leaders separated, most of the men going with Jackson, while a small minority, including Warner, remained in California with Young. After only two days journey with the mules, Jackson's party had the misfortune to be attacked by Indians, and most of the animals were stampeded, many of them killed.

Making his way back to Monterey, Young for a time engaged in otter hunting. During the next few years he became one of the most remarkable wanderers in and out of the California wilds that grace our entire annals. Seeking to retrieve his fortunes, he trapped the rivers of the San Joaquin, especially the Kern and King's rivers, but met with very indifferent success because the Hudson's Bay men had preceded him. Pushing northward Young's party met the company's men at the Sacramento River, and the contact proved to be quite friendly. Ogden's explorations of 1830 had inaugurated an annual expedition by representatives of the great company from Oregon into California for beaver, journeying south in the autumn and returning in the spring.

Ewing Young deserves to be remembered as one of the greatest of all the trappers of any age or country. He made his way to the coast near the Russian colony; proceeded northward through the difficult coast mountains, over the lofty Siskiyous and past Klamath Lake. He crossed the Klamath and Rogue rivers, finally reaching the Pitt. Turning again southward, he traversed the great Sacramento-San Joaquin Valley, proceeding on and on till the circuit had been completed and the preceding year's trail had been recovered, reaching San Bernardino in December, 1833. He proceeded again to the Colorado, not returning to Los Angeles till the summer of 1834.

Many and thrilling are Young's exploits that must remain unrecorded here. It must suffice to add that the importance of his explorations can scarcely be overemphasized. He opened up the routes along the Gila River and the Old Spanish Trail; he visited and explored much of what is now the great Southwest of the United States; he traversed the whole of California from south to north, making a complete circuit of the Sacramento Valley; finally he proceeded to the Columbia River region, becoming an influential and respected citizen of Oregon, where, in 1841, he died a wealthy man.

The next name that must claim at least brief attention is Joseph Reddeford Walker, another intrepid mountain man and trapper, from Tennessee. Walker was selected by Captain Benjamin Louis de Bonneville to have charge of a party of forty men to explore the country west of Great Salt Lake. Starting from the Green River in mid-summer of 1833, the Walker party proceeded first to the region north of the lake, then, being in great need of water, to the westward till the head-waters of the Humboldt River, then known as the Ogden, were reached. The river course was followed till it disappeared in the Sink; then the party "struck directly westward across the great chain of California mountains."

> "For three-and-twenty days," we are informed in Washington Irving's lively narrative, "they were entangled among these mountains, the peaks and ridges of which are in many places covered with perpetual snow. Their passes and defiles present the wildest scenery, partaking of the sublime rather than the beautiful, and abounding with frightful precipices. The sufferings of the travelers among these savage mountains were extreme; for a part of the time they were nearly starved; at length they made their way through them, and came down upon the plains of New California, a fertile region extending along the coast, with magnificent forests, verdant savannahs, and prairies that look like stately parks. Here they found deer and game in abundance and indemnified themselves for past famine."

We have already noted that Jedediah Smith was the first American to lead a party across the Sierra Nevada from west to east. We now record that Joe Walker was first to lead a party across the heart of the mountains from east to west, into California. It is not likely that the exact route will ever be known. According to one writer, his first attempt to descend to the west was near the head-waters of Tuolumne, which he

found to be impossible; but working a little to the southwest he at length struck the waters of the Merced.

It is a deserved tribute to one of California's greatest explorers that his name is borne by Walker River and by Walker Pass,—it was by means of these that he was enabled to skirt the mountains on his return trip.

Space must be given to the bare mention, at least, of two items of special interest. First is the report that Walker was the real discoverer of Yosemite Valley. On his tombstone is the inscription, "Camped at Yosemite, Nov. 13, 1833." Secondly, either on this or a subsequent expedition, Walker discovered Owen's River Valley, since famous as the main source of the water supply for Los Angeles.

On rejoining Captain Bonneville in June, 1834, he was keenly disappointed to find his chief quite disgusted with the details of "this most disgraceful expedition." "The failure of this expedition," Irving tells us, "was a blow to his pride, and a still greater blow to his purse." His interest was, quite naturally, in explorations about the Great Salt Lake and in securing a quick fortune—blazing a new way to California was of no significance to him!

Perhaps the most interesting and influential visitor of the year 1834 was Hall J. Kelley, who has been referred to as "an indefatigable advertiser of the whole West." While his reports deal more extensively with Oregon, his *Memoir* of 1839 contains excellent descriptions of California. He it was that approached Governor Figueroa with a plan to survey, map, and eventually settle the interior valleys; he it was that prevailed upon Ewing Young, after much importunity, to undertake his expedition to Oregon. It is said that he always entertained the belief that he was "the first and most efficient promoter of American colonization on the Pacific Coast." It must regretfully be added that notwithstanding the influential service rendered, especially by his writings through many years, he has not been adequately appreciated by historians, and he felt that he had been robbed of the honor as well as the profits that should have been his.

Another far-reaching influence in California's history during this period, and later, was the appearance in 1839 of Alexander Forbes' *History of California,* which was written as early as 1835. One of Forbes' chapters deals with Upper California as a field for colonization. He is lavish in his praises of the natural advantages of the province. Quick to perceive the feeble, restrictive policy of Mexico, he "indulges in brilliant dreams of what California would be under the rule of such a power as England." The author of the interesting *History* is not to be confused with that other Englishman, James Alexander Forbes, later British agent, resident in California.

Forbes' book had much influence in propagating the belief among Americans of British designs on California, which was thenceforth more and more viewed as a prize destined soon to fall to some outside power.

Before this book was in print other gifted writers had visited California whose books were to be the source of many of the popular ideas of the country during the years immediately preceding the acquisition by the United States. Of these, *Two Years before the Mast,* by Richard Henry Dana, has deservedly become a California classic. As a young student in Harvard College, Dana found himself handicapped by a weakness of the eyes. Hoping to receive benefit from an extensive ocean trip, he shipped on the *Pilgrim* as a common sailor, and in January, 1835, arrived at Santa Barbara. While on the coast he had opportunity to visit every California port several times as well as to form vivid impressions of the country and observe the manner of life of the people. His keen appreciation may be epitomized in his own discriminating remark:

> In the hands of an enterprising people, what a country this might be! Yet how long would a people remain so, in a country? If the "California fever," laziness, spares the first generation, it is likely to attack the second.

It is unquestionably true that the popular idea of California, more or less current from 1841 until the consummation of the American conquest, was largely founded on the books of Dana, Forbes and Robinson.

The year 1836 brought into California about thirty immigrants who may be called real pioneers. Of these mention is made of Faxon D. Atherton, John Marsh, and Nic. A. Den.

Of the twenty-six pioneers of 1837, Ezekiel Merritt and Jean J. Vioget perhaps attained the highest degree of local fame. Merritt will always be remembered for his connection with the Bear Flag Revolution.

John R. Wolfskill alone, among the score of pioneers of 1838, is specially mentioned because of his long residence in California as a prominent citizen. In relation to foreigners the year was on the whole quite uneventful.

But the following year (1839) brought an increased number of pioneers and is memorable because of the arrival of John Augustus Sutter. So significant are the names Sutter and Sutter's Fort in California history that a separate chapter must be devoted to their consideration. Among the other pioneers of 1839 mention is made of W. D. M. Howard, Pierre Sansevain, and John Sinclair.

The immigrants of 1840, a still larger number, included such well-known pioneers as Peter Lassen, after whom Mount Lassen was named, Thomas J. Farnham, and Sebastian Keyser. Probably the chief topic of interest for 1840 was the Graham affair. So symptomatic was this of changing conditions and so significant as an international episode, that we must undertake to set forth briefly the facts and circumstances.

Isaac Graham was a backwoodsman from Tennessee, who had found his way into California in 1833, having trapped extensively in the New Mexico basin. While almost wholly illiterate, he was not lacking in intelligence; while of doubtful morals, he possessed to an unusual degree certain elements of a strong character. Having tired of trapping and

finding agriculture too prosaic, he had set up a crude distillery in the vicinity of Santa Cruz and was engaged in the sale of *aguardiente*.

It is not to be doubted that Graham and other turbulent-spirited foreigners were ready to welcome an opportunity to join any movement that looked toward the independence of California or its acquisition by the United States. On the other hand, the constant bickerings and spirit of revolt among Californians, added to the aloofness and feebleness of the central Mexican government, were pointing straight to disintegration and separation from the mother country. There was therefore no lack of opportunity for restless immigrants to participate actively in operations and activities which under other conditions would have been of purely domestic concern.

But besides this, it will be remembered that Californian officials had come to view the presence of foreigners with concern, and from time to time had uttered threats of their expulsion from the province. This feeling of hostility, especially against the rougher and more disagreeable element among the Americans, was induced by a certain attitude of superiority, by taunts or insults that were quick to be resented, and in some instances by the preference shown by *señoritas* for American husbands. The feeling was not without foundation that "these heretics must be cleared from the land."

In the Alvarado Revolution—with the details of which we cannot here be concerned—Governor Gutierrez was defeated in a bloodless engagement, and was sent back to Mexico eventually, leaving Alvarado in complete control.

In the meantime it is significant to note that a considerable group of foreigners under the leadership of Graham had become more than passive onlookers. Observing their own growing influence in the revolution, and learning of Houston's successes in Texas, they began to take on airs —a proclivity much augmented by Graham's whiskey—and to arrogate to themselves a spirit of independence that proved very disagreeable to the Californian authorities. Therefore Governor Alvarado, convinced that they plotted mischief of some kind, determined to rid the country of them as undesirable inhabitants.

Accordingly Castro was ordered to arrest foreigners who had entered the country without legal authority. In the early morning of April 7, 1840, Graham and his companions were actually arrested, and within four days the number of prisoners amounted to thirty-nine, about equally divided between Americans and Englishmen. All were promptly put on board a vessel and sent to Mexico.

It is not clear that Graham and his companions had formed any general plan of revolution or conspiracy against the government, although the governor doubtless believed this to be true; in any event, it is certain that some of the foreigners acted in a most exasperating manner, and in spite of warnings they defied the authorities and indulged in indiscreet threats.

Nevertheless such drastic action as the seizure of the men, putting them in irons, deporting them and throwing them into a horrible prison, took on the character of a grave international incident. Through the influence of an American traveler, representatives of the United States and of England vigorously interfered, insisting that no proof of guilt had been presented to justify the arrest and detention, to say nothing of the bad treatment of the prisoners.

After many weeks of detention in Mexico, Graham and his immediate companions were adjudged innocent of the charges against them and declared to be entitled to damages for actual monetary loss and loss of time. They were therefore conveyed back to California at the expense of the Mexican government. When they arrived at Monterey in July, 1841, they were well dressed, fully armed, and apparently vindicated.

The Graham affair was well calculated to create a state of uneasiness in the minds of Mexican authorities. With international relations growing steadily more complicated and more delicate, President Bustamante was unwilling to aggravate existing difficulties by entering the deepening controversy.

When Graham returned to Monterey in the rôle of hero, the Bartleson-Bidwell Company and the Workman-Rowland Company were already well on their way to California. The failure of the Mexican government to function effectively in the Graham affair tended to palsy its hand in any subsequent attempt.

The opening of the decade 1840-50 was far from auspicious for Mexican authority in California. Viewed in the light of the truer perspective of later years, it may be said that virtually every aspect of the complex of circumstances pointed to the immanence of overpowering change in the affairs of Alta California.

CHAPTER V

"THE FIRST EMIGRANT TRAIN TO CALIFORNIA": JOHN BIDWELL

Doctor John Marsh, a Harvard graduate and former resident of Missouri, reached California in 1836 with a company of Santa Fé trappers. He settled on a *rancho* near the base of Mount Diablo. The publication of some of his letters in local newspapers stimulated the interest of many discontented Missourians in far-off California.

The fever heat of excitement, however, was reached in the little town of Weston, when a French trapper by the name of Robidoux—actually returned from California—entered upon his campaign of publicity in behalf of the new wonderland, which he claimed was a "perfect paradise, a perpetual spring." For a while, during the autumn of 1840, it looked as if all the people of Weston and vicinity would migrate to California the following spring. Public meetings were held, and some five hundred persons banded themselves together into an organization styled the "Western Emigration Society." Speakers indulged in much extravagant statement and letters were written to prospective emigrants in other states.

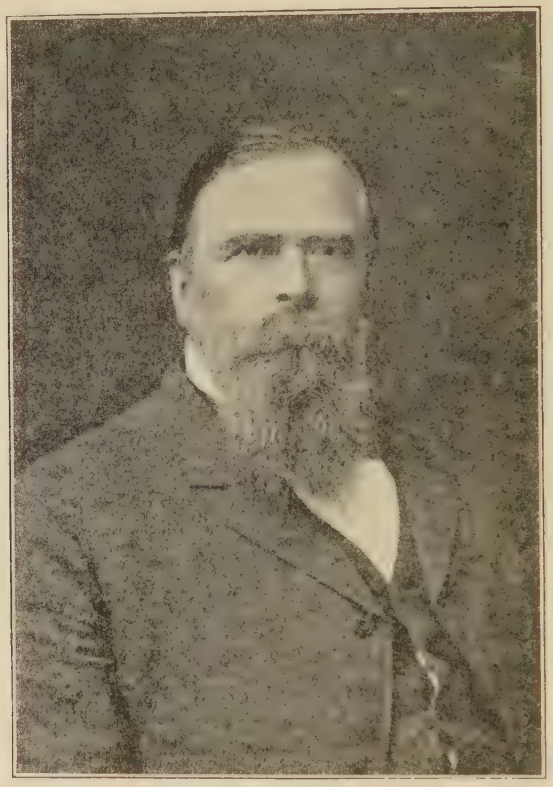
But the business men of Weston threw cold water upon the whole plan, counter-propaganda was printed in the form of unfavorable news copied from New York papers, and zeal for the great migration was decidedly cooled during the later weeks of winter. In fact the Western Emigration Society went completely to pieces. In the words of a member,

> The result was that as the people began to think more seriously about the scheme the membership of the society began dropping off, and so it happened at last that of all the five hundred that signed the pledge I was the only one that got ready, and even I had hard work to do so, for I had barely means to buy a wagon, a gun, and provisions. Indeed, the man who was going with me, and who was to furnish the horses, backed out, and there I was with my wagon.

This member was a spirited young man named John Bidwell, a native of Chautauqua County, New York, and former resident of Ashtabula County, Ohio. In his twentieth year Bidwell had become imbued with the idea of seeing the great Western Reserve: it was this longing that eventually brought him to California.

It is well that the first ardor of enthusiasm gave way to sober second thought, for little did the enthusiasts comprehend the colossal difficulties involved in the proposed overland expedition to California, over wide-stretching plains, scorching desert sands, and forbidding mountain walls.

Many of the original five hundred were not of the true fiber for such an undertaking. By a slower but firmer and more truly selective process several small companies were formed in Missouri and Arkansas under such leaders as Josiah Belden, William Baldridge, and Joseph M. Chiles. In early spring these recruits came together at Independence, which was destined to be the starting point, during the following decade, for an



JOHN BIDWELL

epoch-making chain of caravans of home seekers, gold hunters, and adventurers. One of the most effective organizers and determined spirits among them all was young Bidwell.

On the first of May an organization was effected, the party consisting of forty-seven emigrants, three trappers, a group of Catholic missionaries and teamsters, numbering eleven in all, two men bent on pleasure, and a Methodist minister. Included in the company were fifteen women and children. Paul Geddes (alias T. J. Green) was elected president, John Bartleson captain, and John Bidwell secretary. The only man who was

familiar with the country to be traversed was Captain Thomas Fitzpatrick, who had been employed to guide the missionaries and from whom much was also learned about the Indians. The company of missionaries, headed by Fathers De Smet, Pont, and Mengarine, were on their way from St. Louis to establish a mission among the Flatheads of the Rocky Mountains. It was indeed fortunate that the Bartleson party had waited an extra day for them to come up, especially since all were thus given the service of so experienced a guide as Fitzpatrick. It was rare good fortune, moreover, to be accompanied by such a man as Father De Smet, genial, even-tempered, experienced in rough travel, and withal one of the saintliest of men.

It was Wednesday, May 19, 1841, when the company finally broke camp and the caravan started for California in single file. First in the line were the brave missionaries, with their four carts and one wagon, then came eight wagons drawn by horses and mules, the last unit of the caravan consisting of five wagons drawn by seventeen yoke of oxen. And so there was set in motion, led on by the missionary band and under the guidance of Fitzpatrick, what was to become known as "The First Emigrant Train to California." This was no band of trappers nor mere explorers—here were men, with women and children, organized as a group to make actual settlement in far-off California and "grow up with the country." How little could any of its members then guess its true significance as a factor in the peaceful penetration into California by the United States and as a powerful if unintended accomplice of manifest destiny.

The personnel of the Bartleson-Bidwell Company is as given in Bidwell's journal, *A Journey to California,* as follows:

T. H. Green, G. Hinshaw, Charles Hopper, J. P. Springer, A. G. Patton, J. Bartleson, N. Dawson, Josiah Belden, J. M. Jones, J. W. Chandler, John DeSwart, H. S. Brolaske, M. C. Nye, Elias Barnet, Major Walton, A. Walton, Green McMahan, J. McDowel, R. H. Thomes, Elisha Stone, Isaiah Kelsey, Samuel Kelsey and family, William Towler, Richard Williams and family, E. W. Flugge, W. P. Overton, George Simpson, V. W. Dawson, Andrew Kelsey, Benj. Kelsey and family, Edw. Rogers, D. F. Hill, A. Cook, Jones Carroll, Jas. Ross, Henry Huber, John Roland, Wm. Belty, Thos. Jones, Augustus Fifer, Jas. John, R. Rickman, H. Peyton, [Joseph B.] Chiles, Charles Weaver, and James Shotwell. The last six, we are informed, did not overtake the party at Kansas River.

It is fortunate for us of a later generation that Bidwell, the clerk of the company, kept a daily journal, which, together with "Early California Reminiscences" and special articles he was subsequently prevailed upon to write, supplies a wealth of reliable and interesting historical material and personal observation.

Reviewing the first part of the journey long after the event, he said:

> In general our route lay from near Westport, where Kansas City now is, northwesterly over the prairie, crossing several streams, till we struck the Platte River. Then we followed along the south side of the Platte to and a day's journey or so along the South Fork. Here the features of the country became more bold and interesting. Then crossing the South Fork of the Platte, and following up the north side for a day or so, we went over to the North Fork and camped at Ash Hollow; thence up the north side of that fork, passing those noted landmarks known as the Court House Rocks, Chimney Rock, Scott's Bluffs, etc., till we came to Fort Laramie, a trading post of the American Fur Company, near which was Lupton's Fort, belonging, as I understand, to some rival company. Thence after several days we came to another noted landmark called Independence Rock, on a branch of the North Platte called the Sweetwater, which we followed up to the head, soon after striking the Little Sandy, and then the Big Sandy, which empties into Green River. Next we crossed Green River to Black Fork, which we followed up till we came to Ham's Fork, at the head of which we crossed the divide between Green and Bear rivers. Then we followed Bear River down to Soda Springs. The waters of Bear Lake discharged through that river, which we continued to follow down on the west side till we came to Salt Lake. Then we went around the north side of the lake and struck out to the west and southwest.

There is no better way now to gain correct impressions of the progress of the expedition and to visualize some of the scenes that greeted the eyes of the path-breakers of 1841 than to peruse the daily entries in Bidwell's journal. The following are a few typical extracts, beginning Monday, May 24:

> M. 24th.—Traveled about thirteen miles today, over rolling prairies, and arrived at the Big Vermillion, a branch of the Kansas. Here we were obliged to stop, the water being so high as to render it impossible to cross with the wagons.
>
> June T. 1st.— . . . This afternoon we had a soaking shower, which was succeeded by a heavy hail storm. Wonderful! This evening a new family was created! Isaac Kelsey was married to Miss Williams, daughter of R. Williams. The marriage ceremony was performed by Rev. Pr. Williams, so we now have five families if we include a widow and child.
>
> T. 8th.—There were eight or ten buffalo killed today, but not one-tenth of the meat was used; the rest was left to waste upon the prairie. In the afternoon we passed the confluence of the north and south forks of Platte River, and encamped, having come about eighteen miles. Many hundred of buffaloes were seen at this place. The scenery of the country of the Platte is rather dull and monotonous, but there are some objects which must ever attract the attention of the observant traveler; I mean the immense quantity of buffalo bones, which are everywhere strewn with great profusion, so that the valley, throughout its whole length and breadth, is nothing but one complete slaughter-yard, where the noble animals used to graze, ruminate and multiply in uncounted thousands. . . .
>
> T. 10th.—This morning the most of the oxen were again at large, owing to the neglect of the owners, to the great danger of losing them by the Indians and by their mingling with buffalo, or by their straying so far that it would be impossible to track them on account of the innumerable

tracks of the buffalo; making, therefore, rather a late start, we continued to ascend the river on the north side. We traveled about fourteen miles and encamped on the river. Buffalo were seen in countless thousands on the opposite side of the river. From the time we began to journey this morning till we ceased to travel at night, the whole south side of the stream was completely clouded by these huge animals, grazing in the valley and on the hills—ruminating upon the margin of the river, or crowding down its banks for water. Through the remissness of the sentinels, the guard last night was nearly vacant; and as this was considered dangerous ground on account of the warlike Pawnees, Cheyennes, &c., a court-martial was called to force those to their duty on guard, who were so negligent and remiss.

S. 13th.—A mournful accident occurred in the camp this morning. A young man by the name of Shotwell, while in the act of taking a gun out of the wagon, drew it with the muzzle toward him in such a manner that it went off and shot him near the heart. He lived about an hour, and died in full possession of his senses. His good behavior had secured him the respect and good will of all the company. He was buried in the most decent manner our circumstances would admit of, after which a funeral sermon was preached by Mr. Williams. . . .

S. 19th. . . . Here we first found the mountain sheep; two were killed and brought to camp. These animals are so often described in almost every little schoolbook that it is unnecessary for me to describe them here.

T. 22d.—Eight miles this morning took us to Fort Larimie, which is on Larimie's fork of Platte, about 800 miles from the frontiers of Missouri. It is owned by the American Fur Company. There is another fort within a mile of this place, belonging to an individual by the name of Lupton. The Black Hills were now in view; a very noted peak, called the Black Hill Mountains, was seen like a dark cloud in the western horizon.

Remark.—The country along Platte River is far from being fertile and is uncommonly destitute of timber. The earth continues, as we ascend, to become more strongly impregnated with glauber salts.

M. 5th.—The hills continued to increase in height. After traveling sixteen miles, we encamped at a noted place called Independence Rock. This is a huge, isolated rock covering an area perhaps of half a square mile, and rising in shape of an irregular, obtuse mound, to a height of 100 feet. It took its name from the celebration of the Fourth of July at this place by Capt. Wm. Sublette, and it now bears many names of the early travelers of these regions. . . .

S. 25th. . . . (Remark.—I will not omit to state the prices of several kinds of mountain goods. Powder, which is sold by the cupful (pint) is worth $1.00 per cup; lead, $1.50 per pound; good Mackinaw blankets, $8 to $15; sugar, $1 per cupful; pepper, $1 also; cotton and calico shirts from $3 to $5; rifles from $20 to $60. In return, you will receive dressed deerskins at $3; pants made of deerskins, $10; beaver skins, $10; mocassins, $1; flour sold in the mountains at 50 cents per cupful; tobacco at $2 per pound; butcher knives, from $1 to $3; a good gun is worth as much as a horse—a cap-lock is preferred; caps worth $1 per box. We crossed Green River, went about eight miles down stream, and encamped.)

S. 7th. . . . The bluffs were exceedingly high, and no person could ever believe that wagons ever passed these huge eminences of nature, did he not witness it with his own eyes. But the pleasing view we had from their top, just as the sun was going to sleep behind the western mountains, paid us for all our trouble. A most beautiful landscape presented itself to view; the rugged summits, of almost every shape, were fantasti-

> cally pictured upon the sky, bounding the western horizon; a beautiful little lake was seen to the south, whose surface was fancifully mottled with numerous islands, while the river meandered proudly through the valley among willows and scattering cottonwoods, till it disappeared among the hills in the shades of the evening. Distance traveled today, sixteen miles.
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> T. 10th. . . . Father De Smet, with two or three flathead Indians, started about dark this evening to go to Fort Hall, which was about fifty miles distant.
>
> W. 11th.—Having traveled about six miles this morning, the company came to a halt. The Oregon company were now going to leave Bear River for Fort Hall, which is situated on Lewis River, a branch of the Columbia. Many who purposed in setting out to go immediately through to California, here concluded to go into Oregon; so that the California company now consisted of only thirty-two men and one woman and child, there being but one family. The two companies, after bidding each other a parting farewell, started and were soon out of sight. . . .

The departure of Father De Smet and his band from the company was a matter of deep regret. There is no way adequately to measure or to express the contributions of such devoted Christian missionaries to the history of our civilization. Of him Bidwell wrote:

> He was genial, of fine presence, and one of the saintliest men I have ever known, and I cannot wonder that the Indians were made to believe him divinely protected. He was a man of great kindness and great affability under all circumstances; nothing seemed to disturb his temper.

Utilizing what scanty information they had been able to gain from Fitzpatrick and other sources, it was still September before the company reached the northern extremity of Great Salt Lake. Progress was impeded by almost constant interruptions and all too frequent delays. The smoky atmosphere made it impossible at times to discern objects far ahead; the delusive mirage occasioned many a bitter disappointment by its phantom hopes of water and foliage.

Without being aware of it, they were making directly for the lake. The salty plain became softer and softer, the water of the river no longer quenched thirst, and at last the poor, almost famished animals became unable to proceed with their burdens. After a day's rest grass and water were found, but the condition of the animals made it imperative to lie by for nearly a week.

At length they came within sight of the great mountains to the westward. After taking counsel, it was quickly decided that the wagons must be abandoned if the party were not to be overtaken by the snows before reaching California. On September 16, "All hands were busy making pack-saddles and getting ready to pack." The indescribable difficulties of the new undertaking are better understood when it is remembered that none of the party had experience in the methods of packing animals, and by trying to form a mental picture of a caravan of loose packs, frightened horses, kicking mules and bellowing oxen.

The party had been warned against going too far south and thus getting into a desert country without water or grass; and since they could not then go directly west, there seemed no alternative—they must detour to the north and cross a range of mountains. Would they ever reach California by traveling northward? The danger was that by going too far north they would encounter the difficult canyons leading toward the Columbia and there in bewilderment wander about and finally perish.

> We sent some men to see if they could reach the top of the mountain by scaling the precipice somewhere and get a view, and they came back about ten or eleven o'clock saying the country looked better three or four miles farther ahead. So we were encouraged. Even the animals seemed to take courage, and we got along much better than had been thought possible, and by one o'clock that day came out on what is now known as the Humboldt River. It was not until four years later (1845) that General Fremont first saw this river and named it Humboldt.

Following the river many days, they finally came to the Sink. By this time fully one-half of the party were on foot, the provisions were nearly exhausted, and no game was to be found.

Let the narrative be continued by a few further extracts from Bidwell's Journal:

> T. 7th. [Oct.]—Capt. Bartleson, having got enough meat yesterday to last him a day or two, and supposing he would be able to reach the mountains of California in two or three days, rushed forward with his own mess, consisting of eight persons, at a rate entirely too fast for the oxen, leaving the rest to keep up if they could, and if they could not, it was all the same to him. The day was very warm. The Indian pilot remained with us. . . .
>
> M. 18th.—Having ascended about half a mile, a frightful prospect opened before us—naked mountains whose summits still retained the snows, perhaps of a thousand years; for it had withstood the heat of a long, dry summer, and ceased to melt for the season. The winds roared, but in the deep, dark gulfs which yawned on every side, profound solitude seemed to reign. We wound along among the peaks in such a manner as to avoid most of the mountains which we had expected to climb; struck a small stream descending toward the west, on which we encamped, having come fifteen miles.
>
> The rivulet descended with great rapidity, and it was the opinion of all that we were at least one mile perpendicular below the place where we began to descend. The stream had widened into a small valley. Cedars of uncommon size, pines the most thrifty, clothed the mountains. (One pine, as it was near our camp, was measured, though it was far from being the tallest; it was 206 feet high.) All were pleased to think we were crossing the mountains so fast.
>
> T. 19th.— . . . Having come about twelve miles, a horrid spectacle bid us stop; we obeyed, and encamped. Those who went to explore the route had not time to come to any conclusions where we could pass. We had descended rapidly all day. The mountains were still mantled with forests of towering pines. The roaring winds, and the hollow murmuring of the dashing waters conveyed in the darkness of the night the most solemn and impressive ideas of solitude. To a person fond of a retired life, this, thought I, would be a perfect terrestrial Paradise, but it was not so with us; when we knew that winter was at hand, and that Capt. Walker (the mountaineer) had been lost

in these very mountains twenty-two days before he could extricate himself.

T. 22d.—Descended towards the river about fifteen miles; had a tolerable road; arrived within a mile of the river—could not approach nearer. Here was considerable oak, some of which was evergreen and thought to be liveoak. Three Indians came to camp. Killed the last ox. Let this speak for our situation and future prospects!

T. 28th.— . . . The mountains began to grow obtuse, but we could see no prospect of their termination. We ate the last of our beef this evening and killed a mule to finish our supper. Distance six miles.

F. 29th.— . . . Traveled no less than nine miles today. The night was very cool, and had a heavy frost. Although our road was tolerably level today, yet we could see no termination to the mountains, and one much higher than the others terminated our view. Mr. Hopper, our best and most experienced hunter, observed that "If California lies beyond those mountains we shall never be able to reach it." Most of the company were on foot, in consequence of horses giving out and being stolen by the Indians, but many were much fatigued and weak for the want of sufficient provision; others, however, stood it very well. Some had appetites so craving that they ate the meat of most of the mule raw, as soon as it was killed; some ate it half-roasted, dripping with blood.

S. 30th.—We had gone about three miles this morning, when lo! to our great delight we beheld a wide valley! This we had entirely overlooked between us and the high mountain which terminated our view yesterday. Rivers evidently meandered through it, for timber was seen in long extended lines as far as the eye could reach. . . .

S. 31st.— . . . Joyful sight to us poor, famished wretches! Hundreds of antelope in view! Elk tracks, thousands! Killed two antelopes and some wild fowls. The valley of the river was very fertile, and the young, tender grass covered it like a field of wheat in May. . . .

T. 4th.—[Nov.] . . . Finally we arrived at Marsh's house, which is built of unburned bricks, small, and has no fireplace, wanting a floor and covered with bulrushes. In fact, it was not what I expected to find. A hog was killed for the company. We had nothing else but beef; the latter was used as bread, the former as meat. Therefore, I will say we had bread and meat for dinner. Several of our company were old acquaintances of Marsh in Missouri, and therefore much time was passed in talking about old times, the incidents of our late journey, and our future prospects. . . .

Nine days after deserting the remainder of the party Bartleson and his eight followers had suddenly made their appearance from behind. They were in a sorry plight. "Boys, if I ever get back to Missouri," exclaimed the dejected captain, "I will never leave that country. I would gladly eat out of the troughs with my dogs."

Almost six months after setting out from Sapling Grove, the first overland emigrant train to California reached its destination, November 4, 1841. These men were pioneers of pioneers; they blazed the trail for the pathfinders who followed; they spoke the prologue to one of the greatest dramas of American history;—and chief among them was John Bidwell, prince among California pioneers. He promptly found employment under Captain Sutter at New Helvetia (Sutter's Fort), with whom he was associated for several years; and with each succeeding year he

became personally more closely identified with virtually all the important movements in the development of California. Standing full six feet in height, of dignified and serious mien, he possessed a powerful frame and remarkable endurance. Whole-hearted and resourceful, he became a Californian *par excellence*. Characterized by a high sense of personal integrity and Christian gentility, the "Father of Chico" attained to truly composite greatness, embodying in his own character and life the traits and qualities of the typical pioneer at his best. As Abraham Lincoln embodied the truly composite spirit of Americanism, so John Bidwell embodied the various and distinctive qualities of typical citizenship in developing California.

CHAPTER VI

OVERLAND IMMIGRANT HOME SEEKERS (1841-46)

During the early forties, several thousand persons left the western frontiers for the Pacific Coast. Of these a goodly number, though by no means a majority, entered California. In addition to the men of sturdy fiber, the immigrants included numbers of brave women and not a few families of children. Not all of these immigrants found permanent homes in California, but hundreds of them did become actual settlers; their very presence, as well as their special activities, greatly influenced the course of events culminating at length in the American conquest.

Having devoted the previous chapter to the Bartleson-Bidwell Company of 1841, and reserving the story of the Donner Party for subsequent consideration, the present chapter will briefly recount other significant entrances into California during the important years 1841-46.

While the total lists of foreigners in the California records for 1841 number close to two hundred, it is doubtful whether more than a third of that number were entitled to be regarded as real pioneer residents.

The Workman-Rowland Company, which may in certain respects be regarded as a branch of the Bartleson Company, was composed of Missourians and New Mexicans, numbering in all twenty-five persons, who had planned to meet at Independence, the chief rendezvous. Arriving too late, however, they decided to take the Santa Fé trail rather than incur the greater risks of the northern route.

Prominent members of this company were William Workman and John Rowland (leaders), Isaac Given, William Gordon, William Knight, and Benjamin D. Wilson. About one-half of the party came in quest of homes; while a few were looking mainly for adventure, and three were attracted by scientific interest. Workman and Gordon brought their families to California at later dates.

It was September, 1841, when the Workman-Rowland Company left Albiquiu, following in general the route taken by William Wolfskill almost exactly ten years earlier. They were fortunate in having the company of some New Mexican traders for a part of the way, and in having provided themselves with a flock of sheep to sustain their food supply.

Encountering comparatively little hardship and practically no novel adventure, the company came through Cajon Pass and arrived at San Gabriel in November, only a little later than the Bartleson Company

reached Marsh's Ranch. Promptly on arrival Rowland sought the Mexican authorities, to whom he presented the list of the names of his companions, at the same time declaring his intention of obedience to all legal requirements.

The year 1842 was marked by a very distinct falling off from the mark set by the overland immigration of 1841. Of the ninety foreign visitors only thirty-three were given places in Bancroft's pioneer list, and it can hardly be claimed that any of these attained any great degree of prominence. Doubtless the most significant event of the year was the premature capture of Monterey by Commodore Jones, which is discussed elsewhere.

During the closing days of 1842 the Mexican Minister in Washington issued through American newspapers a warning against emigration to California, deeming it his duty to contradict the published statements to the effect that the Mexican government would "give liberal grants of land to persons who shall take the oath of allegiance and conform to the doctrines of the Roman Catholic faith," and to state for the benefit of intending emigrants that

> the Mexican government has never thought of colonizing the said colony with foreigners; and that it has expressly provided by a law of March 11th that no foreigner will ever be permitted to colonize or purchase land or property in the said country without an express permission of the government of Mexico.

In spite of this warning, however, and as a further illustration of the slight tenure which Mexico held over her northern province, American immigrants, together with other foreigners, continued to be welcomed in California. The very ease with which large land grants were bestowed upon all who desired them and who declared their willingness to comply with the laws was further proof of the encouragement to immigration from no less a source than the governor. Nevertheless, it must not be imagined that during those disturbed years preceding the actual American conquest, there was, or indeed could be, any clear line of policy consistently asserted and maintained; at the very time, for example, when Governor Micheltorena was liberally bestowing land grants there were rumblings of an intention to expel all Americans, and finally the centralist governor was himself expelled after the rather farcical "Micheltorena War!"

During 1843 the most important expedition coming across the mountains into California was that of the Chiles-Walker party. Joseph B. Chiles, a member of the Bartleson Company of 1841, had returned to Missouri the following year, where, with the assistance of William Baldridge, he organized a party of emigrants. Leaving in the spring of 1843, they followed the old Oregon Trail to Fort Laramie, where they were joined by Joe Walker, who became official guide.

After considerable delay and many vicissitudes, the main company proceeded to Walker River and Walker Lake, thence still farther south-

ward to Owens Lake. Here, on account of the weakened condition of their animals, they were compelled to abandon their wagons, which were the first ever brought into California by overland home-seekers.

But they were still a long distance from their destination, and the most difficult part of the journey was yet to be traversed. Water was scarce and game hard to find; moreover they were almost blinded by the glare from the "hard-baked, whitened earth." Finally, about Christmas time, they encamped "in a delightful vale, still known by Walker's name on the maps, on the head-waters of a tributary of the Salinas River." In the following month the party proceeded to Gilroy's ranch in the lower Santa Clara Valley, and its members separated for different points of the province.

Brief mention may here be made of another party coming into California in 1843. This party, whose principal leader was Lansford W. Hastings, came south from Oregon, Hastings having left Missouri for the northwest in the spring of 1842 with a large company which included eighty armed men. Becoming discontented with conditions in Oregon, some fifty persons were readily assembled at the rendezvous in Willamette Valley for the trip south, which was begun late in May, Hastings being at the head. Meeting some northbound emigrants from California, a portion of Hastings' party decided to turn back with them; but the majority continued, and before the middle of July, 1843, the main party made camp in the neighborhood of Sutter's Fort. A little later the members scattered to different points, thus augmenting the numbers of early home-makers in California.

During the year 1844, the most important party of immigrants coming into California was the Stevens Company—which might more appropriately be called the Stevens-Murphy Company, because it included a large number of Murphys.

Many months before the arrival of even the remnant of this party, however, a group of thirty-six persons, commonly known as the Kelsey Company, came down into the Sacramento Valley from Oregon. This group was made up in part of members of the Bartleson party who had suffered disappointment and therefore had proceeded to the Northwest. By virtue of their experience they were now more satisfactory material for real home-seekers; they scattered to various points in northern and central California, Andrew Kelsey locating in what is now Lake County and being regarded as the founder of Kelseyville.

Leaving the Missouri River in May, the Stevens-Murphy Company proceeded along the old emigrant trail to Fort Hall. About half of the train decided to go to Oregon; the remainder—twenty-six men and about twenty women and children—proceeded toward California. It was about the first of November before the Humboldt Sink was reached; and by the time their preparations for the trip over the mountains had been completed, the early snow had made its appearance. With the help of

an Indian guide they took a westerly course instead of pursuing the southerly route *via* Walker River, thus breaking a new path into California. A group of half a dozen persons, including two of the women, taking each a horse, went on in advance of the main company, finally making their way across the headwaters of the American River and down into the valley.

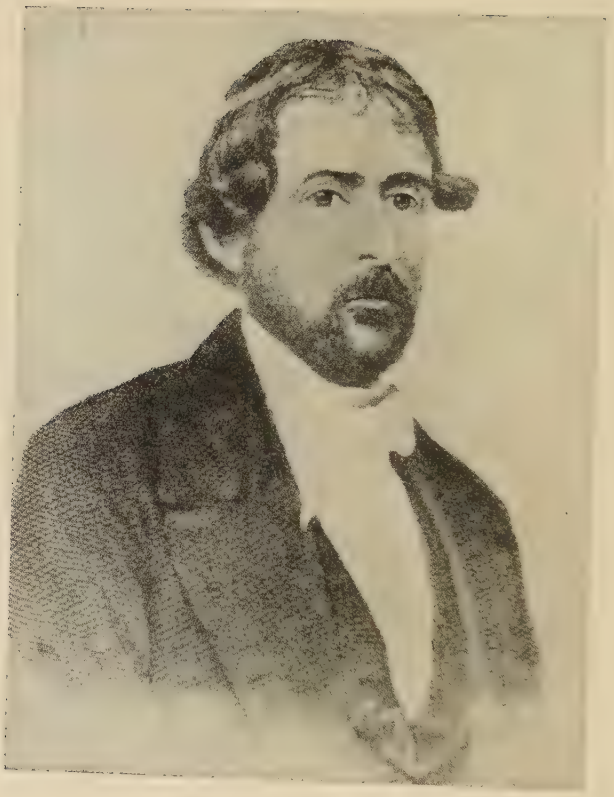
Members of the main group reached what is now known as Donner Lake; and from this time onward their many hardships, their separations, their lack of sufficient food, while not such as to be compared with the tragic experiences of the Donner Party of two years later, nevertheless bring to mind by anticipation that grewsome story. Three of the men—Moses Schallenberger, Joseph E. Fosters and Allen Montgomery—were left at the lake, where they built a cabin in which Schallenberger was compelled to remain until the following February. It was about the middle of March, 1845, when the last members of the company finally reached the ranch settlements in safety. The most of the Murphys settled in Santa Clara Valley, where theirs is still a well-known family name.

The year 1844 is memorable in the annals of California by virtue of the coming of John Charles Frémont, whose second expedition brought him into the territory. Frémont, a dashing young man of scientific attainments, "a man of endurance as well as assurance," had won the love of Jessie Benton, daughter of Thomas H. Benton, United States Senator from Missouri and one of the most influential politicians of the day. His marriage, therefore, proved to be a connection of the utmost significance to the future of California, for his distinguished father-in-law was among the first to scheme for its definite acquisition. To be sure, it was not the direct purpose of the Frémont expedition to induce home-seekers to come to California; nevertheless its influence was profoundly significant in precisely that direction.

Of his first expedition, in 1842-43, it is not necessary to give any particular account, since it did not bring him into California, nor did it result in exploring any new route into California. But within three months after making his first report, which was promptly published by the Senate, the energetic young officer was ready to set forth upon a second expedition.

Accordingly Frémont's party started June 29, 1843, taking a route somewhat to the south of that of the first expedition, and proceeded to make explorations through regions not previously known except to trappers. Fort Hall was reached September 19, whence they proceeded down the Snake River to Fort Boisé (October 8), the Dalles (November 4), down the Columbia to Fort Vancouver, where provisions for three months were laid in, and return to the Dalles.

On the 25th of November the company left the Dalles, going in a southeasterly direction, Frémont's intention being to explore the Tlamath (Klamath) Lake and to search for "a reported lake called Mary's, at



JOHN C. FREMONT

some days' journey in the great basin; and thence still on southeast to the reputed Buenaventura River." He had no thought of crossing the Sierra Nevada into the valleys of California. But after reconnoitering the country and observing that his animals were not in fit condition to cross the desert region to the Rocky Mountains, he reached an important decision.

> I therefore determined to abandon my eastern course and to cross the Sierra Nevada into the valley of the Sacramento, wherever a practicable pass could be found. My decision was heard with joy by the people, and diffused new life throughout the camp.

After surviving appalling difficulties in the search for a "practicable pass in mid-winter," the party, encouraged by Kit Carson's descriptions of the beautiful valleys lying beyond, was finally able to make its way, in February, across the Sierras near Lake Tahoe, and in early March to Sutter's Fort and the Sacramento River. Captain Sutter gave them "a most frank and cordial reception," and under his hospitable roof they had "a night of rest, enjoyment, and refreshment," which was appreciated to the fullest extent.

After a fortnight at Sutter's Fort, Frémont, his party now reduced to nineteen persons, took his way southward along the San Joaquin to the River of the Lake (as King's River was called), with the help of Indian guides traversed Tehachapi Pass, and on the 18th of April came upon the Santa Fé trail. On May 24th the company reached Utah Lake. In his report Frémont says:

> We had now accomplished an object we had in view when leaving the Dalles . . . we had reached the Utah Lake; but by a route very different from the one we had intended, and without sufficient time remaining to make the examinations which he desired.

On the circuit thus completed they had traveled 3,500 miles since the preceding September. Proceeding eastward, they arrived at the mouth of the Kansas; and, concluding the expedition,

> On the 6th of August we arrived at St. Louis, where the party was finally disbanded, a great number of the men having their homes in the neighborhood.

Frémont's official reports, published by the government and widely distributed among the people, brought him an enviable reputation at home and abroad; and, while his entrance into California was but an incident of the second trip, it would perhaps be difficult to over-estimate the importance of its bearing upon the significant trend of subsequent events. Of Frémont's memorable third expedition it will be necessary to speak in connection with the actual conquest of California by the United States.

The records show that more than two hundred foreigners entered California during 1844, and of these about one hundred may be regarded as pioneer residents. While none of them can be compared with Frémont as to either local or national prominence, it is true that many became well-known and useful citizens of the Golden State.

For the year 1845 little more than mere mention can be made of some of the parties of immigrants into California, numbering in all about 150 men besides about 100 women and children. If we include those that came from Oregon, there were six different parties. They came over routes that had already been traversed, and there is comparatively little of distinctive importance found in their detailed experiences.

The MacMahon-Clymer Company, Captain Green McMahon, came from Oregon, having become dissatisfied or, in some cases, desiring to see more of the country before making permanent settlement. The party numbered forty-three persons, who scattered to various points shortly after making camp on Cache Creek in early July.

The Swasey-Todd Company was an offshoot of a larger party en route for Oregon at Fort Hall. This group of about a dozen young men reached New Helvetia (Sutter's Fort) in late September.

The Sublette Party of fifteen men arrived October 7. In a letter to Thomas O. Larkin announcing their arrival, Captain Sutter makes the remark: "Not one company has arrived before in this country which looked so respectable as this."

The Grigsby-Ide Party, comprising about fifty men, had been passed by Sublette—a fact easily explained by the greater numbers and particularly because many of the men had their families with them. After surmounting the difficulties of the tedious trip across the mountains, they proceeded in small groups to Sutter's Fort in October.

The last party to enter California in 1845 may be called the Hastings-Semple Company. Leaving Independence in the middle of August, they encountered serious difficulties, and barely escaped being cut off by the snow. They finally reached Sutter's Fort, at Christmas. Robert Semple, a native of Kentucky, said to have been more than six and a half feet in height, became one of early California's most famous citizens, rendering conspicuous service as president of the Constitutional Convention of 1849.

In comparison with earlier years, 1846 may be called the year of the great immigration to California and Oregon. From May to July probably at least two thousand persons wended their way from Independence to forts Laramie and Bridger. It is likely that five hundred men, women, and children crossed the Sierra Nevada Mountains into California by the Truckee route alone. In many cases entire families had set forth, in good earnest, to find new homes on the shores of the Pacific. Small parties, each under its captain, met on the plains, perhaps joining forces and traveling together for weeks in a long train or caravan. All kinds of combinations were in evidence, from the single family to the great Oregon caravan.

Mrs. George Donner, of the ill-fated Donner Party, wrote, in a letter from the South Fork of the Nebraska, dated June 16, 1846:

> Today, at morning, there passed, going to the States, seven men from Oregon, who went out last year. . . . They met the advance Oregon caravan about 150 miles west of Fort Laramie, and counted

> in all, for Oregon and California (excepting ours), 478 wagons. There were in our company over 40 wagons, making 518 in all; and there are said to be yet 20 behind.

It becomes manifestly impossible to trace the movements of the numerous parties of immigrants of 1846, or even to mention the names of all the prominent pioneers. For very realistic pictures of the experiences of home-seekers of that year, the reader is referred to two books of particular interest—Bryant's *What I Saw in California* and Thornton's *Oregon and California in 1848*. In these valuable records are found diaries of the overland journey from day to day. Most remarkable of all is the story of the Donner Party—but this has been reserved for separate telling in another chapter. Likewise the coming of Frémont, on his third expedition into the West, which precipitated the crisis of the American conquest of California, must claim chief attention on other pages.

Out of a total of approximately 7,000 persons who came to the Pacific Coast during the years 1843-46 the number of immigrants actually coming into California probably did not exceed 1,500, representing at least fifteen companies, thus indicating that the Oregon territory proved more attractive than California as the goal of early home seekers. The representative of the Hudson's Bay Company at Fort Hall sought to divert many Americans from their course to the northwest by holding out inducements to persuade them of California's superiority. This argument was undoubtedly inspired by the wish of the great company to maintain its gigantic and powerful monopoly in the northwest for commercial purposes,—it is obvious that the trapping of wild fur-bearing animals could not continue to succeed where settlers came in with domestic cattle and transformed the wilds into cultivated farms. The fundamental difference in the character of the interest acquired in the northwest by the Americans and the British—the home builder versus the trapper—had much to do, in the final reckoning, with the favorable outcome to the United States of the Oregon controversy as well as in the acquisition of California.

Although the present theme has chief regard to the home seekers who came overland into California, it may not be deemed inappropriate to make some reference to the fact that a number also came by water. Among these a conspicuous leader was Sam Brannan, who entered the Golden Gate with a cargo of young Mormons, on the last day of July, 1846. It is recorded that on that trip to California two children were born on board the *Brooklyn,* which had been chartered by Brannan—one, a boy, being named Atlantic; the other, a girl, being christened Pacific! Brannan was disappointed to find the Stars and Stripes already floating at Yerba Buena, since he had aspired to raise the flag himself; nevertheless his arrival in California, because of his subsequent activities and intense participation in her many-sided development, must be reckoned one of the significant events of the year that inaugurated the American régime.

How surely, and yet how unconsciously, were the immigrant home-seekers in the far West paving the way for the acquisition of California by the United States! And how marvelously were the several factors of final conquest marshalled and synchronized, culminating in the memorable year 1846! American settlers, some of them with their families, had come with their ineradicable love of Anglo-Saxon institutions; the slight tenure of Mexico, the mother country, in California immeasurably strengthened the arm of our national administration as it set before itself the definite policy of acquisition at a time when war with Mexico was imminent; and at such a time and into such a prepared situation came the spirited and venturesome young Frémont. The stage was set for an act of real grandeur. The Bear Flag at Sonoma may be regarded as a fitting prologue; the Stars and Stripes at Monterey brings the grand culmination.

CHAPTER VII

JOHN AUGUSTUS SUTTER AND SUTTER'S FORT

In the transition of the Mexican province of Alta California into the Empire State of the Pacific a prominent but unique rôle was taken by John A. Sutter, who was neither American nor Spaniard. Sutter, who was born in the Grand Duchy of Baden in 1803, whose original name is given as Johann August Suter, left Switzerland in 1834 for America, the "Great Republic." After a brief residence in Indiana, then in St. Louis, he was urged on by his restless and adventurous spirit to the Pacific Coast. While in Oregon territory he conceived the idea of establishing his long dreamed of colony in California.

Sailing in December, 1838, to Honolulu, where he was graciously received by the Hawaiian king, he succeeded in securing the services of a number of Kanakas (natives of the Sandwich Islands), and with them finally reached Monterey *via* Sitka on July 3, 1839.

Wishing to be out of reach of possible interference with his plans, his Indian policy, and his trapping operations, he sought and secured permission from Governor Alvarado to plant his colony and erect a suitable fort in the then remote Sacramento Valley. He was promised Mexican citizenship at the end of a year, and likewise a grant for such unoccupied land as he desired.

The site finally selected was a tract of land lying along the Sacramento River to the eastward, the location of the fort being some two miles east of the Sacramento and half that distance from its tributary, the American River. This was in August, 1839. There was built and established New Helvetia *(Nueva Helvicia)*, or Sutter's Fort, which was destined as the Mecca of Americans coming to California for many years to have such a significant part in the actual transition.

The construction of the fort, which was decidedly military in appearance, was begun in 1840 but was not completed until several years later. Most of the work was done by Indian laborers. Having purchased from the Russians at Fort Ross a small vessel and an amount of other property, notably a number of pieces of artillery, including one or two small brass pieces, with a quantity of old French flintlock muskets and other munitions of war, Sutter constituted himself the guardian of the Sacramento frontier. No doubt his cargo of ordnance inspired in the minds of the simple natives a wholesome respect for himself and his newly founded colony. In erecting his fort on the California frontier, little did Sutter imagine that he was laying the foundations of one of the most important

instrumentalities in the creation of the magnificent empire of the Pacific States of North America. Yet in reality the fort proved to be a leading factor in the political currents of 1846, the year of American conquest, as well as "a direct medium of an event which transformed California and startled the world—the discovery of gold at Sutter's mill in 1848."

The fort itself consisted in an adobe wall 18 feet high by 3 feet thick, the enclosed rectangular space being approximately 500 by 150 feet. In his official narrative Captain Frémont has left on record this brief description, under date of March 6, 1844:

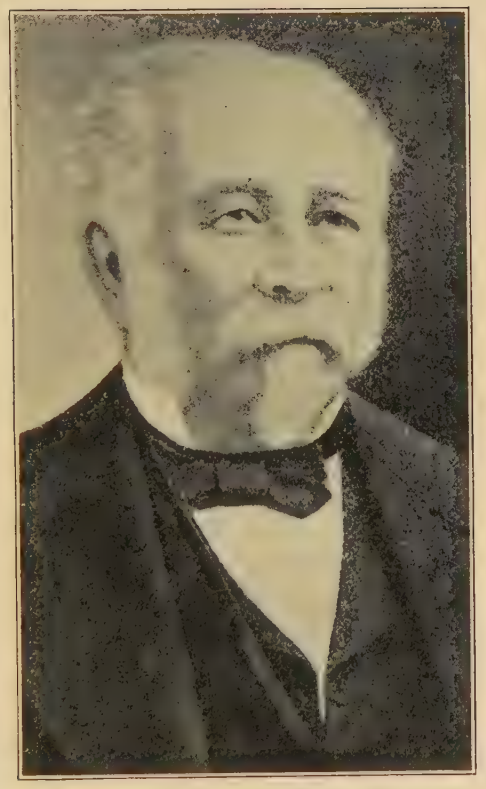
> The fort is a quadrangular adobe structure mounting twelve pieces of artillery, (two of them brass), and capable of admitting a garrison of a thousand men; this, at present, consists of forty Indians in uniform —one of whom was always found on duty at the gate. As might be expected, the pieces are not in very good order. The whites in the employment of Captain Sutter, American, French, and German, amount, perhaps, to thirty men. The inner wall is formed into buildings, comprising the common quarters, with blacksmith and other workshops; the dwelling-house, with a large distillery-house, and other buildings, occupying more the center of the area.

In the meantime Sutter had obtained naturalization as a Mexican citizen and apparently had been endowed with civil authority to administer justice, take steps to prevent robberies by "adventures from the United States," likewise to repress hostilities on the part of the Indians, and to check illegal trapping and fishing. Gradually the Indians came to respect the new leader, and to work for him; order was brought out of disturbed conditions.

Firmly established on his grant of eleven square leagues of land—and that without well-defined boundaries—and combining in himself the varied occupations of trapper, trader, farmer, stock raiser, merchant, magnate, feudal seigneur, and military ruler, he came to assume an attitude of haughty independence, threatening on occasion to raise the French flag and march on Sonoma, or broadly intimating that he would brook no interference with his plans and purposes at the hand of the Mexican officials. In an early letter to Jacob P. Leese he wrote:

> The people don't know me yet, but soon they will find out what I am able to do. It is too late now to drive me out of the country, the first step they do against me is that I will make a declaration of Independence and proclaim California for a Republique independent of Mexico. I am strong now, one of my best friends a German gentleman came from the Columbia River with plenty people, another party is close by from Missouri. . . . If they will give me satisfaction and pay the expenses what I had to do for my security here, I will be a faithful Mexican; but when this Rascle of Castro should come here a very warm and hearty welcome is prepared for him. 10 guns have well mounted for protect the fortress and two field-pieces. I have also about 50 faithful Indians which shot their musquet very quick.

Without seeking to justify his attitude toward some of the leaders in the government at whose hand he had received his vast estate, we may further



JOHN A. SUTTER

illustrate his feelings of friendliness for the Americans by quoting from his autobiography:

> Vallejo and others of the Californians, against whom rather than the Indians I kept my fort and guns in order, were jealous of my settlement. I gave passports to those entering the country, and this they did not like. I was friendly with the emigrants, of whom they were jealous. I encouraged immigration, while they discouraged it. I sympathized with the Americans while they hated them.

With the natural increase of a few years from his purchases of live stock, the gallant Captain, easily boasting that he was lord of all he surveyed, soon found himself in possession of thousands of sheep, cattle, horses, and hogs, roaming over his great principality and furnishing the basis for well-nigh unlimited wealth. Within an incredibly short time he had in effect established a feudal barony at New Helvetia. His trade in beaver skins proved to be most profitable. Employing the words of Stewart Edward White,

> He taught the Indians blanket-weaving, hat making, and other trades, and he even organized them into military companies. The fort . . . contained within its walls, a blacksmith shop, a distillery, a flour mill, a cannery, and space for other necessary industries.

Sutter was not slow in displaying genuine admiration for Americans and American institutions. His name, which came to be a household word to early overland immigrants, stood in their thought as the ideal of generous manhood and true goodness. His fort, located directly on the line of overland immigration, had come to be recognized as a very convenient trade center as well as the chief rendezvous for the increasing numbers of newcomers, winding down from the heart of the Sierra Nevada, happy to be nearing the end of their long and hazardous journey.

The genial Captain was a prominent member of the Constitutional Convention in 1849, at the conclusion of which he was honored by being appointed by the delegates to express the thanks of the convention to acting Governor General Bennet Riley for the aid and coöperation he had extended in the responsible duty of creating a state government. A little later in the same year he was an unsuccessful candidate for governor of the new State. Never in subsequent life did he regain the prestige that was his in the formative days preceding the final establishment of statehood for California. The very name of Sutter had stood as a powerful beacon, a faultless ideal alike to strong men and little children—as one member of the Donnor Party gratefully expressed it—"of all that is generous, noble, and good." And in the words of another, the same sentiment was thus touchingly voiced:

> Weary, worn, ragged, some on foot, having traveled in that manner after losing their teams; hungry, desolate, adrift in a strange land, among strangers; they cannot have forgotten the kindly face and generous heart, the pleasant welcome and open hand they met when they met Captain Sutter, at Sutter's Fort, or other places. They well remember, they cannot forget, how the honest old Swiss captain figur-

atively poured oil upon their bruises, bound up their wounds, and literally fed and clothed them.

There may be some truth to the charge made by certain historians that Sutter's acts were not prompted by pure generosity, that his aim was not that of the true missionary—in short, that he was chiefly bent on making a personal fortune. Nevertheless his acts from the beginning took on more than purely personal or local significance, being so closely connected with the vital subject of immigration and foreign influence in California, and his personal traits and accommodating disposition made for him hosts of friends among all classes. In dealing with those who had been overtaken by poverty he displayed the utmost liberality. He early gained ready facility as a linguist, he possessed a pleasing address and sanguine temperament, and was a man not only of great personal energy but an enthusiast with unusual power of imparting his enthusiasm to others. A man of urbane manners, with great tact in making friends of strangers, Sutter must always be regarded as one of the outstanding personalities of our early history.

By a strange fate the great discovery of gold, which so marvelously enriched the world, proved to be the impoverishment and ultimate undoing of John A. Sutter. As the news spread his men deserted his ranks, leaving great fields of ripened wheat unharvested; operations ceased at the mills, which were abandoned for the gold fields; half-finished leather spoiled in the vats of the tannery, and thousands of cattle were slaughtered or driven away.

> "The same thing," the distressed captain complained, "was in every branch of business which I carried on at the time. I had not an idea that people could be so mean."

As if the weight of misfortune were not already sufficiently crushing, his land title was brought into question, squatter riots multiplied on his possessions, and New Helvetia was quickly transformed into a city of tents. Bayard Taylor in his *El Dorado* gives us this picture of the fort as it appeared to him late in 1849:

> Everything about it showed signs of dilapidation and decay. The corrals of earth had been trampled down; doors and gateways were broken through the walls, and all kinds of building materials carried away. A two story wooden building, with flagstaff bearing the American colors, stood in the center of the court-yard, and low ranges of buildings around the sides were variously occupied as hospitals, stores, drinking and gaming shops and dwellings.

Continual depredations and controversies over lands brought weariness and despair to Sutter. The expensive litigation that followed, with alternating victory and defeat, ended in a decision of the United States Supreme Court which reduced the frontier potentate from a position of affluence and power to bankruptcy and financial ruin.

The State Legislature, taking cognizance of the situation, voted Sutter a pension of $250 a month; this was renewed from time to time for a total period of fourteen years. At length, the disheartened man, burning

with a sense of outrage, determined to leave California, the land of his adoption and love; and in 1868, after a residence on Hock Farm, on the west bank of the Feather River, in the county that bears his name, Gen. John A. Sutter took a sadly affectionate farewell of the state he loved best to make his home among the peaceful Moravians of Pennsylvania. There, in the quiet town of Lititz, he and his wife spent their remaining days. With charity for his faults and foibles, we may say, with Eliza Donner, in grateful acknowledgment of his open-handed philanthropy and generous qualities of heart:

> All who see this land of the sunset will read, and know, and love the name of John A. Sutter, who fed the hungry, clothed the naked, and comforted the sorrowing children of California's pioneer days.

The importance of preserving and restoring Sutter's Fort as a leading landmark of California was realized by members of the order of Native Sons of the Golden West as early as 1888. A movement being launched for that commendable object, over $20,000 was raised in 1891, and a like sum was appropriated by the State Legislature. In 1893 an additional $15,000 was made available and the project was duly consummated. The property, now comprising two city blocks bounded by K and L, Twenty-sixth and Twenty-seventh streets, Sacramento, belongs to the State and is maintained as a museum of local history. The old shops, storerooms, and barracks have been faithfully reproduced, and the environs of the unique landmark have been beautified by trees and flowers appropriately planted by the Sacramento representatives of the Native Daughters of the Golden West.

CHAPTER VIII

A CAPITAL PRIZE AND A NATIONAL POLICY

It was not until after American interests in California had been advanced to a considerable extent by means of commercial intercourse, by the entrance of trappers and adventurers into the territory, and by the actual settlement in the country of a number of homebuilders that the Government of the United States actively espoused a policy of acquisition. The skipper, the hunter, the settler—these were private individuals, engaged in their private affairs; but sooner or later it was sure to dawn upon the mind of official Washington that where they went and what they did were matters of vast public concern. Furthermore, it was, to a large extent, the representations of certain commercial and other private interests that brought to focus the early attempts, on the part of the United States, to secure portions of California, including especially the harbor of San Francisco.

As the final conquest of California was an act in the drama of the Mexican War, so the early negotiations for its purchase were inextricably bound up with the acquisition of Texas. Therefore, any complete understanding of our early national policy with reference to California must presuppose knowledge of at least certain phases of the Texas question.

Little need be said of the negotiations of Anthony Butler, who, in 1829, was sent to Mexico by President Jackson to seek the acquisition of Texas by purchase. Butler has deservedly been denounced as "a man eminently unqualified for any position of trust."

In a letter he suggested that a mere bribe of half a million dollars would result in the acquisition of Texas not only, but also would lead eventually to the dominion of the United States "over the whole of that tract of territory known as New Mexico, and higher and lower California, an empire in itself, a paradise in climate, . . . rich in minerals and affording a water route to the Pacific, through the Arkansas and Colorado rivers." It is to the credit of Jackson that he endorsed on this letter:

> . . . Nothing will be countenanced to bring the government under the remotest imputation of being engaged in corruption or bribery. . . . A. J.

Nevertheless, the idea of acquiring Alta California had found entrance into Jackson's mind, and from that time to the day when Sloat raised the Stars and Stripes at Monterey, California was never lost sight of as a big, alluring prize. And it is no wonder, for the economic value of San Francisco with its matchless harbor and rich back country and the vast

potentialities of an interior indefinitely great could not fail to be impressive wherever they became known.

As early as 1815, Otto von Kotzebue, captain of the Russian ship Rurik, entered the Golden Gate and was entertained by the Comandante Luis Argüello. The Russian visitor thus referred to the country he beheld:

> It has hitherto been the fate of these regions to remain unnoticed; but posterity will do them justice; towns and cities will flourish where all is now desert; the waters over which scarcely a solitary boat is seen to glide will reflect the flags of all nations; and a happy, prosperous people receiving with thankfulness what prodigal nature bestows for their use, will dispense her treasures over every part of the world.

Only two years later, J. B. Provost, acting as United States commissioner in connection with the re-surrender of Astoria from England, in a report to Washington declared that "the port of St. Francis is one of the most convenient, extensive and safe in the world, wholly without defense and in the neighborhood of a feeble, diffused, and disaffected population."

Add to these early expressions others of like import, found in official reports and private correspondence of ever-increasing volume, then recall the geometric spread of the influence of ardent admirers who had actually been in California and had returned to the United States, and it becomes easy to understand the growing intensity of the desire on the part of the successive administrations—not always steadily maintained, to be sure—to possess the coveted prize.

That California would almost certainly fall to some alien power, and probably before the lapse of many years, was clearly foreseen by keen observers. In transmitting an important dispatch to England, for example, Mr. Barron, English consul at Tepic, made the significant comment,

> . . . That this fine country has been totally neglected by Mexico, and she must ere long see some other nation its protector, or in absolute possession of it.

Even Lord Aberdeen himself was compelled to acknowledge that California's separation from Mexico was probably inevitable. Who was to secure the prize?

While it may not be demonstrated that Russian policy contemplated the acquisition of the country, nevertheless the Russian advance to the southward gave cause, first to the Spanish and the Mexican authorities, then to outside powers, for no slight degree of solicitude as to the real intentions of the northern bear. This source of anxiety was not wholly removed till, having sold the bulk of their belongings to Capt. John A. Sutter, then but recently established at New Helvetia, the Russian settlers at Fort Ross and Boedga took final leave of California. By treaty agreement entered into with the United States and England, respectively, Russia had already withdrawn her claims to territory south of 54° 40′ in

1824 and 1825. Neither the Spanish nor the Mexican authorities had ever given official approval to any Russian claims to territorial possessions in California; but, on the other hand, both had repeatedly though ineffectually protested against their presence. When the representatives of the Russian-American Fur Company, about New Year's Day, 1842, set sail for Alaska on the *Constantine,* there went with them the last vestige of hope for any Russian control of California. As a possible competitor for the capital prize, Russia was definitely eliminated.

There is no lack of evidence that three great powers entertained hopes of acquiring Alta California when—as it came to be quite generally believed—the slight tenure of Mexico should finally fail altogether. These were France, England, and the United States. In support of the aspirations of France may be advanced the intangible but potent factors of religion and affinities of traditional manners, as well as a subtle distaste for the ways of the Anglo-Saxon. There is little doubt that France, while perhaps having no well defined policy of acquisition, did entertain the hope that in the fullness of time the prize might fall into her lap. The somewhat haughty attitude of Captain Sutter, exhibited now and again in his professions of being a Frenchman and his hints of French colonization, lent color to the suspicions of certain Californians. "There is little doubt," wrote General M. G. Vallejo to Governor Alvarado in 1841, "that France is intriguing to become mistress of California."

Duflot de Mofras, in his account of his explorations, carefully notes the Frenchmen residing at different points, lays emphasis on the essentially French character of Sutter's New Helvetia, and calls attention to the identity of French and Spanish religion and temperament. It seems that the Governor offered him a large land grant for a colony and that he advanced the opinion that "a French protectorate offers to California the most satisfactory way of escape from the dangers that threaten its future."

During the early part of the eventful decade 1840-49, France maintained in the Pacific waters eight vessels with 242 guns, while the British fleet consisted of four vessels, of the superior type, with 104 guns, and Commodore Thomas Ap Catesby Jones was given command, for the United States, of the Pacific squadron of five vessels mounting 116 guns. A formidable obstacle that ever stood athwart the pathway of France as a contender for California—as indeed that of England—was the Monroe Doctrine, which European powers had ample reason for believing would be firmly maintained by the United States unless overthrown by superior force—and at that time California, however earnestly desired, was not deemed worth a war with the great American Republic.

While certain representatives of England had come to have some appreciation of portions of California at an early date and a few Englishmen had actually settled in the country—to say nothing of the annual expeditions of trappers from the Hudson's Bay Company—there was no manifestation of real interest on the part of the British Government prior

to the Graham affair of 1840, which involved the arrest and deportation of a number of Englishmen and Americans. Attaching perhaps unwarranted international significance to the episode, Consul Barron of Tepic, and, later, his superior, Sir Richard Packenham, as minister to Mexico, urged upon the government a considerable increase of British naval strength in the Pacific waters.

This official interest was deepened as the great value of Upper California began to be better understood and especially as a result of the visit of Mofras, which apparently aroused suspicions of French designs on the Pacific Coast. On the 30th of August, 1841, Packenham addressed a dispatch to Palmerston, which definitely recommended a plan looking toward the ultimate acquisition of California by Great Britain. He wrote, in part, as follows:

> It is much to be regretted that advantage should not be taken of the arrangement some time since concluded by the Mexican Government with their creditors in Europe, to establish an English population in the magnificent Territory of Upper California . . . by all means desirable, in a political point of view, that California, once ceasing to belong to Mexico, should not fall into the hands of any power but England; and the present debilitated condition of Mexico, and the gradual increase of foreign population in California render it probable that its separation from Mexico will be effected at no distant period; in fact, there is some reason to believe that daring and adventurous speculators in the United States have already turned their thoughts in that direction.

Admiral Sir George Seymour, who commanded the British squadron in the Pacific—especially following the premature seizure of Monterey by Commodore Jones in 1842—manifested much interest in California and exchanged many letters with the British admiralty. Much has been written about his activity having for its object the acquisition of California and finally of his alleged exciting race with Commodore Sloat to Monterey in 1846, in the hope of seizing the prize. That Seymour, like Packenham and Barron, personally desired to see steps taken to acquire California, there can be no doubt.

In the light of these conditions, when British officials from the English minister at Mexico City to James Alexander Forbes—a little later appointed vice-consul at Monterey—were pointing out the great value of California to England, and the apparent ease of its acquisition, and the commander of the British squadron was manifesting unwonted activity and watching every movement of the French and the Americans—it was but natural for Americans in California to impute to the British Government a policy leading to the acquisition or at least to an English protectorate; likewise it is easy to understand the interpretation of the course of history given by writers, who of course had no opportunity to consult the secret records of the British Foreign Office.

It must now be recorded that when Packenham so earnestly advocated that California should not be permitted to "fall into the hands of any

power but England," he stated his own opinion, based on reports from Barron and Forbes, and did not express the views of the Foreign Office nor the British Cabinet. The reply to the English minister was written by Aberdeen, who had succeeded Palmerston; it was of such a character as to put an end to Packenhan's "dream of a British colony in California." It had come to be the "almost unanimous opinion of English statesmen that the day for colonial enterprise had passed."

Barron in Lower California and Forbes in Upper California, on whom British officials depended for first-hand information, were fully cognizant of the exceedingly slight tenure of Mexico and quite confident that no great activity on the part of their government would be required to bring about the acquisition of Upper California. When the query was put to Forbes, whether the country could be received under the protection of the British flag, but "still remain for the present under the direct government of one of its natives," he replied that he felt unauthorized to answer, but added, in his report to Barron,

> I feel myself in duty bound to use all my influence to prevent this fine country from falling into the hands of any other foreign power than that of England. I repeat that it is impossible for Mexico to hold California for a much longer period, and if the Government of Great Britain can with honor to itself, and without giving umbrage to Mexico, extend its protection to California, reaping those benefits which by proper management, would infallibly attend that protection, I should presume that it would be impolitic to allow any other nation to avail itself of the present critical situation of California for obtaining a footing in this country.

The reply of Lord Aberdeen, bearing the date of December 31, 1844, is pronounced the most definite instruction upon the subject of California emanating from England throughout the entire period under consideration. Taking the position that no foreign nation had the right to interfere in any prospective movement by the Californians themselves toward establishing independence, he did not even deem it necessary to speculate as to the possible future course of events with respect to the province. Said he:

> The present position of California is evidently very critical; and it appears to be pretty clear that unless the Mexican government bestir themselves, an outbreak will in no long time take place in that Province, which may end in its separation from Mexico. Her Majesty's Government can have nothing to do with any insurrectionary movement which may occur in California; nor do they desire that their agents in that part of the world should encourage such movement. They desire, on the contrary, that their agents should remain entirely passive.
>
> While California continues subject to Mexico it would be obviously contrary to good faith on the part of England to encourage a spirit of resistance or disobedience in the inhabitants of the Province against their Mexican rulers. It is therefore entirely out of the question that her Majesty's Government should give any countenance to the notion which seems to have been agitated of Great Britain being invited to take California under her protection.

> Her Majesty's Government do not pretend to determine as to the propriety of any step which may be taken by the inhabitants of California towards establishing their independence. In such matters, no foreign nation has any right to interfere, except it be bound to such interference by Treaty with the mother country; which is not the case with Great Britain. It is, however, of importance to Great Britain, while declining to interfere herself, that California if it should throw off the Mexican yoke, should not assume any other which might prove inimical to British interests. It will therefore be highly desirable that at the same time that it is intimated to the persons of authority in California that the relations which exist between Great Britain and Mexico prevent us from taking part in any proceedings of the Californians which may have for their object the separation of that province from Mexico, those persons should be clearly made to understand that Great Britain would view with much dissatisfaction the establishment of a protectoral power over California by any other foreign state.
>
> I do not think it necessary to enter into any speculative discussion or opinions as to the possible future course of events with respect of California, but confine my observations and instructions to the aspect of affairs, and occurrences of the present moment.

Still it must not be supposed that the English Government was indifferent to the question, what was finally to become of California? At this point it is well to recall the Texas question. It became evident early in 1844 that the United States definitely intended to annex Texas and admit her to the Union. England deemed this expansion of the American Republic inimical to her interests, and therefore earnestly advised Mexico to recognize independence in Texas, "in order that by some sort of joint diplomatic action France, Mexico, and Great Britain might guarantee the independence of the Texas State." England's advice was wasted—Mexico obstinately refused to listen and Santa Ana declared over and over again that "an army is now being gathered in Mexico for the immediate reconquest of that province," when in reality it would seem to be preposterous for any sane man to believe the reconquest even remotely possible.

Aberdeen's consequent change of attitude is indicated in his determination to let Mexico shift for herself; he perceived that the Texan Republic was hopeless, and—what is more to the present purpose—that California also was practically ready for separation from Mexico. Summarizing the situation, he wrote Minister Bankhead at Mexico City:

> It is however for the Mexican Government alone to take measures for providing against such a contingency; nor have we any ground for interposing to preserve California to Mexico, or to prevent that Province from asserting its Independence. We have, undoubtedly, no right to excite or encourage the Inhabitants of California to separate themselves from Mexico; but if the Mexican Government chooses to be wilfully blind we should in vain attempt to enlighten them.
>
> But it may be a matter of serious importance to Great Britain that California, if it shake off the rule of Mexico, should not place itself under the protection of any other Power whose supremacy might prove injurious to British Interests.

Thus it appears that Aberdeen was opposed to any act that might tend to stir up revolution in California but was not unwilling "to accept the fruits of that revolution if they should fortunately fall into British hands." "Such a passive policy," says Prof. E. D. Adams, "was wholly inadequate to the situation, and nobody felt this more keenly than the British agents in Mexico and California."

Barron and Forbes, however, still fondly believed that the British protectorate might easily be secured. Even when they realized that their cherished plans were crushed by Aberdeen's instructions, they still entertained hopes of thwarting American designs. When at length Forbes' protest to his government against the presence of J. C. Frémont in California brought disavowal and reprimand, it becomes clear that the British Cabinet had no aggressive policy for the acquisition of California.

Again, while Admiral Seymour without doubt would have been personally pleased with information of definite designs looking to annexation, he felt compelled under his instructions to place strict limitations upon his activities. It is certain that he received no instructions to occupy any California ports, and likewise he had no authorization to race Commodore Sloat to Monterey to seize California for England.

It would be a serious mistake to conclude from what has been written that England had no real interest in California. The sentiment of the local agents for acquisition has been noted; the powerful head of the Hudson's Bay Company pointed out the great natural advantages of the country and its value as an outlet to surplus British population; the McNamara scheme to colonize California with Irish immigrants made such headway as thoroughly to arouse Thomas O. Larkin, American consul at Monterey. But when Packenham in 1844 had reported his conviction "that the United States, should it determine upon the annexation of Texas, would not be deterred therefrom even by a threat of war by England and France," Aberdeen concluded not to persist in opposing annexation to the extent of making it a *casus belli*. Moreover, it must be remembered that the Oregon question had at the same time developed a critical situation between England and the United States. With the Texas annexation, the California acquisition, and the Oregon settlement all trembling in the balance, at almost the same moment, and all closely interlinked in important aspects, it is obvious that no merely detached recital of events can correctly express national policy. It may be said that there was no persistent aggressive English policy to acquire California; it may likewise be said that many Englishmen very earnestly, and quite naturally, did desire the acquisition.

Finally, the belief in and fear of English designs unquestionably had a distinct bearing upon the development of the American policy, and particularly that of President Polk. To Polk's mind the possibility of British designs amounted to a strong probability.

In the meantime, what of the United States as a competitor for the prize? We have seen that while President Jackson had spurned Butler's

corrupt suggestion, the idea of acquisition had found entrance into his mind.

Two significant events during the administration of President Van-Buren were the arrival in California of Capt. John A. Sutter, soon followed by the founding of his fort at New Helvetia, and the Graham affair, one result of which was the prompt recognition by the Secretary of the Navy of the request for permanent naval representation in California waters. A little later Commodore Jones was given command of the enlarged Pacific squadron.

Under President Tyler the movement for the acquisition of California by purchase was definite and pronounced. Indeed, Waddy Thompson, the American minister, was filled with enthusiasm, permitting himself to believe that Mexico would be willing to part with both Texas and California as an exchange for the cancellation of American claims. He pointed out the great advantages that would accrue to his country from possession of San Francisco Bay, "capacious enough to receive the navies of all the world," and felt certain that control of California would in the end mean nothing less than the ascendancy of his nation over the entire Pacific.

But Thompson's vigilant eye did not fail to see signs of English designs on California. In July, 1842, he professes to be in possession of reliable information to the effect that "an agent of this government is now in England negotiating for the sale, or what is precisely the same thing, the mortgage of Upper California for the loan of fifteen millions;" a year later he was certain that England had made a treaty with Mexico, securing important land rights to British creditors, and he predicted that in ten years England would own the country. As Packenham was extremely solicitous that California "should not fall into the hands of any power but England," so Thompson, for the United States, pointed out that, great as were the advantages of acquisition, "they sink in comparison with the evils to our commerce and other interests, even more important, from the cession of that country to England." Thompson did not at all share the sentiment that California was not worth fighting for. In one of his dispatches, he wrote:

> I will not say what is our policy in regard to California. Perhaps it is to remain in the hands of a weak power like Mexico, and that all the maritime powers may have the advantage of its ports. But one thing I will say, that it will be worth a war of twenty years to prevent England from acquiring it.

While he did not fail to call attention also to alleged French aggressions, France gradually receded as a factor while England appeared to loom more and more formidable as a contender for the prize. By the time President Polk came into office practically all observant Americans, both in and out of California, had settled down to the conviction that California would go either to the United States or to England.

In the meantime, it is of the utmost significance to remember that virtually at the same time when Lord Aberdeen was settling back into a passive policy of watchful waiting—partly as a result of his failure to induce Mexico to recognize independence in Texas—President Polk was preparing to enter upon his administration with the definite resolution to secure the acquisition of California as one of the four great measures clearly set before him. What was the outcome? Could it be expected that a passive policy emanating from a professedly indifferent Cabinet, sitting on the other side of the world, would be able to stand against an aggressive policy, which admittedly was one of the very foundation stones of a new administration in a land where a manifest destiny of continental boundaries had captured the American imagination?

Since the efforts of Jackson and Tyler to acquire California by purchase had resulted in failure, it was incumbent upon Polk to consider additional methods of annexation. Therefore, without neglecting whatever possibilities that remained for direct purchase, earnest consideration was given to three courses: (1) that of quiet, watchful delay until American immigrants in California should rise and declare the independence of the province, with or without the consent of the Californians themselves; (2) that of capitalizing a possible revolt of the Californians—encouraged if not actually inspired by resident Americans—and the not improbable request for admission into the American Union; and (3) that of definite seizure of the province in the event of war with Mexico. Polk earnestly desired California, not merely that its acquisition would bring fame to his administration, but chiefly because he sincerely believed it would prove to be a great national asset. The conscientiousness of his course, resting upon moral conviction and a religious nature, would seem to be beyond question.

When the admission of Texas had become finally assured, the Mexican minister demanded his passports, and thus diplomatic relations with the United States were broken off. Some semblance of reestablished relations having been effected by William S. Parrott, as confidential agent, John Slidell was selected for an important mission to Mexico. There is no doubt that the chief thing expected of Slidell was to effect the purchase of Upper California and New Mexico. According to his instructions, "Money would be no object when compared with the value of this acquisition." The President supposed the territory could be had for from $15,000,000 to $20,000,000, "but he was ready to pay forty millions for it if it could not be had for less."

It is not necessary to record the details that resulted in the failure of Slidell's mission. President Herrera stood in abject fear of being overthrown by a revolution—this is the real reason for refusing recognition to Slidell, which was done ostensibly on purely technical grounds. In spite of this, however, Herrera was the victim of a bloodless revolution, which swept Paredes into power. Renewing his attempts to open negotiations with the Paredes government, Slidell was again rebuffed, and before

a new dispatch from Washington could reach him, he was on his way home, discouraged and disgusted. Thus ended Polk's earnest attempts to purchase California. It is probably accurate to state that this final attempt failed for the same reason as those of Jackson and Tyler, viz., "the fear of the ruling faction in Mexico that any alienation of territory would be followed by a revolution before which they would go down in ruin."

Polk's policy of acquisition was far broader than any one method. He was aware of emigration of Americans—increasing annually—to California, he understood their strong attachment for American institutions, he was fully cognizant of the enfeebled hold of Mexico on this remote province. With every passing year the chances of the United States for winning the prize were strengthened by patient but vigilant delay. Americans would be so numerous and so strongly intrenched in California that they would be able, on any provocation they might choose, to assert and maintain their independence.

Indeed, it was not in the least preposterous to believe that leaders among the Californians, who had already on more than one occasion displayed disloyal tendencies, might openly revolt against Mexican authority and under the inspiration of resourceful American advisers apply for admission into the American Union.

Polk's main reliance for detailed information and knowledge of the ever-changing posture of events in California was Thomas O. Larkin, who had come to Monterey in 1832, gaining during the years of his residence there a high standing with prominent Californians as well as all the leading foreigners. In 1843 he was given the appointment which made him the first and, as it happened, the last United States consul to California. So valuable was the information he furnished, so important the services to his government, that—in striking contrast to Aberdeen in the case of Barron and Forbes—Secretary of State Buchanan's instructions allowed him wide discretion in handling the local situation. The United States was to refrain from fomenting a revolution among Californians, but Larkin was free to "assume that his government would play the rôle of protector in case they sought to separate from Mexico." He was advised that any attempt made to transfer California to a European power would cause the United States promptly to invoke the Monroe Doctrine to prevent the cession. In a word, the real function of Larkin as American consul was to prepare the way for peaceful annexation by the way of peaceful penetration. Even failing this, however, there remained the method of forcible seizure in the event of war with Mexico—and war was fast becoming inevitable.

The stage was set for a grand climax. Manifest destiny had decreed the winner of the capital prize. Not that Polk's policy succeeded in every important respect, though it did succeed by and large; but the American program of expansion, the conquest of a continent—mightier than any presidential policy—was destined to go forward to ultimate completion.

CHAPTER IX

THE BEAR FLAG REVOLUTION

The storm which broke in the revolt of the Bear Flag party in the spring of 1846 was already brewing in the fall of 1845. Leading factors were the war scare, which waxed and waned in California with the character of the rumors filtering in; the fear that officials in California might in an effective way obey orders from the central government and seriously attempt the expulsion of Americans and other foreigners; and the passionate feeling aroused by the Libbey-Spear affair, arising out of an assault at Yerba Buena on Elliott Libbey, captain of an American trading bark, and Nathan Spear, an American merchant, in which Libbey was dangerously wounded.

It goes without saying that Americans were not disposed to see much cogency in the Californians' side of doubtful points; but, on the other hand, they were in the right frame of mind to believe that they were likely to be attacked by embittered Californians at any time. That this feeling was not without some warrant is illustrated by Larkin's letter to Secretary Buchanan, November 4, 1845:

> There is a strong jealousy springing up in this country against Americans. It is a subject of too much importance for me to predict what will be the state and situations of the Californians and foreigners in even five years. I shall be in continual expectations of hearing of some outbreak from one or the other, in one or two years, perhaps in less time.

There can be no doubt that after the Hawk's Peak affair, the main facts of which are elsewhere related, further trouble was expected between Americans and Californians. The return of Frémont from the north into central California, after receiving the Gillespie messages and the Benton letter, "was to the fears of the settlers as a spark to powder." Being wholly in the dark regarding Frémont's exact instructions and the appointment of Larkin as confidential agent, the settlers were governed chiefly by their own imaginings.

Whereas Frémont, a United States Army officer, had actually left California with the intention of returning to the United States, something suddenly decided him to return to California. Apparently he felt that he had no choice in the matter. What could his return signify if not that he would actively champion the cause of the American settlers? It is easy to understand the statement of John Bidwell, a leading contemporary and eye witness to much that was happening:

> Frémont's hasty departure for Oregon and Gillespie's pursuit of him had been the occasion of many surmises. Frémont's sudden return excited increased curiosity. People flocked to his camp: some were settlers, some hunters; some were good men, and some about as rough specimens of humanity as it would be possible to find anywhere.

In the meantime, Mexico's neglect of California continued. Foreign domination—chiefly American—was growing apace with no practical or effective efforts on the part of the Mexican home government to check it.

Being doubtless too ready to credit the information that a strong band of Californians was actually advancing toward Sutter's Fort with the war-like purpose of expelling the foreigners, the American settlers eagerly made their way to Frémont's camp, near the Marysville Buttes. Frémont himself was placed in a most delicate and difficult position. On the one hand, he had no official sanction for instigating any settlers' revolt, however strong the provocation or his personal predilections might be. On the other hand, neither his own inclination nor his official judgment would willingly permit him to see the inevitable revolt go to pieces and the settlers driven out of the province for lack of any support that lay in his power to afford. A sympathetic understanding of the actual situation and the critical posture of events will tend to moderate and correct the judgment of writers, some of whom have criticised Frémont unmercifully while others have extolled his patriotism in a highly exaggerated manner. There can be no doubt that his turning south from the Klamath region had the effect of exciting the American settlers and of creating considerable alarm.

Early in June a band of about 170 government horses which Gen. José Castro had obtained from Gen. Mariano G. Vallejo, were being driven from Sonoma to Santa Clara Valley by Lieutenants Arce and Alviso. The most feasible way to transfer horses or cattle from the north side of the bay was by the roundabout route across the Sacramento River to Sutter's Fort, thence into the San Joaquin Valley and westward to San José.

Americans who had gathered about Frémont's camp readily gave credence to the rumor that these horses were to be used in the hostile purpose of an expedition against themselves, which was easily imagined to be part of the often threatened movement for the complete expulsion of foreigners from California.

Whether by direct order of Frémont or simply with his sanction and approval, a small party of Americans under the leadership of Ezekiel Merritt set out to intercept the horses, and indeed the most of the entire band were captured and brought to Frémont's camp. This must be viewed as a war-like act,—an act which quickly precipitated the Bear Flag revolt and hastened the events of the actual American conquest.

On the very day that the horses were driven into the American camp (June 11) the decision was reached to capture the pueblo of Sonoma,

which, it was understood, was a military station—a sort of presidio—with nine small cannon and some 200 muskets.

The seizure of the Mexican horses, which may be regarded as the first act of war in the American conquest of California, opened a breach which must inevitably become wider. Much as Frémont desired to see the country come under the flag of the United States, however, he was not at liberty to lend active aid to the rapidly growing movement for independence nor permit his men to join the excited settlers. Arce and his men who had been in charge of the horses would undoubtedly spread the news of the capture in every direction.

It was quickly decided therefore that Sonoma must be taken before the intelligence could reach General Vallejo, for Sonoma was regarded as the chief stronghold of the Californians, north of the bay region.

The actual capture of the quiet little pueblo at dawn on Sunday, June 14, by Merritt's band was a rather ludicrous affair. Long before daylight, in the chilly morning, the Americans, numbering thirty-three men, rode down into the peaceful valley and proceeded to surround the home of General Vallejo. When Merritt, accompanied by Dr. Robert Semple and William Knight, entered the house, they found the General and his brother Salvador still in bed. On being aroused they were amazed by being informed that they were prisoners. Jacob P. Lesse and Victor Prudon were also placed under arrest. "To whom shall we surrender?" demanded the General's wife, unable to comprehend what the commotion was about. When the genial Californian came to understand that no personal violence would be offered, he ordered his best wine for the early callers!

After a scene of no little confusion, simple articles of capitulation were arranged and signed, the Vallejos and Prudon in an addendum declaring that "having been surprised by an overpowering armed force and being absolutely defenseless, they acknowledge themselves, on assurance that they should be secure in their lives and property and those of their families and neighbors, to be prisoners of war and promised on their sacred word of honor not to take up or bear arms either for or against the cause represented by their captors." The prisoners, comprising a general, a lieutenant-colonel, and a captain, were sent under escort to Frémont's camp, thence to Sutter's Fort, where, for want of a suitable prison, they were placed under guard in Sutter's parlor.

Lieut. Edward M. Kern was appointed by Captain Frémont to have charge of a detail of men to serve as guard of the captives. In official letters the name "Fort Sacramento" appeared to designate the headquarters. Thus it seems clear that the implication to the effect that Sutter continued in sole command is erroneous. A little later Julio Carrillo, who had made his way to the fort to give assurance to General Vallejo of his family's safety, was also made a captive.

For weeks the group languished as prisoners at Fort Sacramento, Frémont refusing to grant release on parole. Notwithstanding Vallejo

wrote Larkin begging him in the name of friendship to use his influence with the Commodore for their liberty, protesting their willingness to submit to the guarantees offered to Californian inhabitants. Finally, on July 29, Commodore Stockton "formally nullified the action of the Bear Flag men by a written order," directing the release of General Vallejo and Julio Carrillo, "on their parole of honor not to take up arms, instigate, or directly or indirectly participate in any movement against the authorities of the United States in California." At a still later date the remaining prisoners were set free by Lieutenant Kern.

In the meantime William B. Ide emerged from the confusion of the novel experience at Sonoma a real leader. The fort was quickly taken without opposition, together with eighteen prisoners and all military equipment. While Merritt and nine others set out with the distinguished prisoners, Ide and his followers, more than a score in number, resolved upon remaining at Sonoma with a view of rendering secure their conquest. Ide was elected captain, John Grigsby having left with Merritt.

In the new movement a flag was one of the first things needed. The party would greatly have preferred to use the American flag, but such action was not authorized by Frémont. Benjamin Dewell, a member of the party, is credited with this bit of narrative:

> The flag was made in the front room of the barracks, just at the left of the door, and most of the sewing was done by myself. 'Bill' Todd painted the bear and star with black ink. The colors—Red, white and blue—were used because they were the colors of the United States' flag. The bear was selected as representing the strongst animal found in that section of the country. The language of the flag was: 'A bear stands his ground always, and as long as the stars shine we stand for the cause.'

There has been so much controversy regarding the flag itself that it seems appropriate to quote from a letter by William L. Todd, which was printed in the Los Angeles *Express,* January 11, 1878:

> I have to say in regard to the making of the original Bear Flag of California at Sonoma, in 1846, that when the Americans, who had taken up arms against the Spanish régime, had determined what kind of a flag should be adopted, the following persons performed the work: Granville P. Swift, Peter Storm, Henry L. Ford, and myself. We procured in the house where we made our head-quarters, a piece of new unbleached cotton domestic, not quite a yard wide, with stripe of red flannel about four inches wide, furnished by Mrs. John Sears, on the lower side of the canvas. On the upper left-hand corner was a star, and in the center was the image made to represent a grizzly bear, passant, so common in this country at the time. The bear and star were painted with paint made of linseed oil and Venetian red or spanish brown. Underneath the bear were the words 'California Republic.' The other persons engaged with me got the materials together, while I acted as artist.

John Bidwell reported that the grizzly was so crudely painted that native Californians, passing along and looking up curiously to the flag

at the top of the seventy-foot staff, were hard to say derisively, *"Coche"* (pig, or shoat)!

With the hoisting of the new flag an accomplished fact, the ardent Americans naturally desired to be known as something other than a band of filibusters; therefore the flag-raising was supplemented with a formal proclamation in which William B. Ide, "commander-in-chief," gave his "inviolable pledge to all persons found in California not found under arms that they shall not be disturbed in their persons, their property or their social relations one to another by men under his command," and set forth his real objects to be "to defend himself and his brave com-

THE BEAR FLAG
(From Pictorial History of California.)

panions in arms," and "to invite all peaceable and good citizens of California, who are friendly, to the maintenance of good order and equal rights."

Learning of the Bear Flag episode, and not content to remain in comparative inactivity at Sutter's Fort, Bidwell had proceeded to Sonoma, where as a member of a special committee of three, he submitted, on July 4, 1846, a plan of organization which was accepted by the commander and which has been called the shortest constitution on record. It reads:

> The undersigned hereby agree to organize for the purpose of gaining and maintaining the independence of California.

The further organization of the party was effected by the formation of three companies, of which the captains elected were Henry L. Ford, Granville P. Swift, and Samuel J. Hensley. The seriousness of the situation became daily more evident, the magnitude of the movement that had been begun became steadily more startling. To what extent the conquest of California might actually have been achieved, just what might have been the destiny of the Bear Flag Republic, can never be known. On the 10th of July, the American flag was sent to Sonoma by Captain John B. Montgomery. Commodore Sloat had taken Monterey and formally proclaimed the American Conquest. Our national ensign replaced the Bear Flag, and within a few days our colors were unfurled at every important point in Northern California. The California Republic was quickly at an end, and there was unbounded enthusiasm as with great unanimity the Americans enlisted to complete for the United States the conquest that was rendered certain by the opening hostilities of the Mexican War. "It was a glorious sight," afterwards related one of the participants, "to see the Stars and Stripes as we marched into Monterey." Thus by the capture of Sonoma and the subsequent endorsement by Frémont of the movements of the Bear Flag Party, Larkin's plans for the acquisition of California by the peaceful means of quiet diplomacy were effectively nullified.

Light is shed upon the part of Frémont in the Bear movement by his deposition of February 28, 1848, in which he refers to his decision to "turn back to the valley of the Sacramento," then continues:

> Arrived there, information was received that Gen. Castro was then raising forces and exciting the Indians both against the settlers and the small party under the command of this deponent, upon the unfounded pretext of an intended insurrection by them against the Mexican government in California. Upon his own view of the dangers of the situation, and the earnest applications of the settlers, this deponent joined them with his party, and, (what they deemed of great moment,) his name as an American officer, in the month of June, 1846, and by the 5th day of July the movement was so far successful that a declaration of independence was made on that day at *Sonoma*, and the whole country north of the Bay of San Francisco, being freed from Mexican power, this deponent, at the head of 160 mounted men, principally American settlers, sat out to go round by the head of that bay to attack Gen. Castro on the south side of the bay. While proceeding against Gen. Castro, authentic information was received that, on the 7th of July, Commodore Sloat had taken possession of Monterey, and hoisted the American flag; upon which the flag of independence was immediately hauled down, and that of the United States ran up; and under the flag of the United States all subsequent operations were carried on.

There can be no doubt that Frémont himself took an active part in directing the affairs of the Bear men, partly because the safety of his own forces depended upon prompt and energetic movements. Information was received to the effect that General Castro intended to attack Frémont "as soon as he possibly could"; furthermore that Captain De la Torre had sent for reinforcements from south of the bay with which to

attack the small garrison stationed at Sonoma. Thereupon, to quote directly from the official statement of Captain Gillespie, dated February 4, 1848:

> Captain Frémont returned to Sonoma, leaving a force to protect San Raphael. This movement, executed with so much promptness, alarmed De la Torre to such a degree that he fled with his command in the most cowardly manner to Sausalito, where he stole Mr. Richardson's launch and escaped across the bay, saying, *'he would not fight the riflemen.'*
>
> The flight of De la Torre and his men left the northern side of the bay, including the districts of Sonoma, Bodega, and Napa, free from all Mexican authority; and that section of the country, as also that of New Helvetia, was considered as American territory even by the Californians themselves, who became satisfied with the new order of things, and gave in their adherence to the new system. No outrages whatever had been committed by the settlers. Horses were the only property which had been taken, and these were used entirely in the public service.

With the destruction of the original Bear Flag in the great San Francisco fire of 1906, the state lost one of its most interesting historic relics; but the memory of that flag and the tradition that clusters about it will never be suffered to grow dim in the minds of the common people.

CHAPTER X

THE AMERICAN CONQUEST: EARLIER PHASES

Looking back from his vantage ground of two generations the historian is now able to perceive that the American conquest of California was already far advanced at a time when it was formerly held to be but in its early beginnings. The stirring events of the spring and summer of 1846 are seen in reality to be the culmination of the conquest, the plucking of the fruit that had been ripening through the years.

The Yankee skipper, plying his occupation from port to port along the California coast; the contrabrand trade with the mission fathers; the penetration into California overland by such dauntless adventurers and trappers as Jedediah Smith and James Ohio Pattie; the incoming of organized immigrant trains like the Bartleson-Bidwell and Workman-Rowland parties of 1841, followed by increasing numbers of early home-seekers;—these when coupled with a growing perception in the national councils of the high value of San Francisco Bay and the expansive interior and with the ever westward course of empire, had been the operating factors which singly and in combination brought to easy fruition the conquest, already well under way, when Sloat ordered the American flag to be hoisted at Monterey.

The conquest of California may be regarded as an act in the drama of our war with Mexico; yet for a generation preceding the Mexican war the peaceful penetration into California had been progressing; and for a decade a well-defined sentiment for its annexation had been developing in the minds of responsible national leaders. Not that it was ordered so by the early trader and trapper, nor again that our statesmen always possessed the prescience of a prophet,—but the historian today is enabled to rise above the low-hanging fogs that perforce obscured the vision of contemporaries, and, viewing the moving picture of events in truer perspective, to discern with accuracy the magnitudes of the general conspiring forces that ultimately brought California into the great Union of States.

The tenure by which the province of California was held to Mexico was, as we now know, very slight, and this fact afforded the greater temptation to other powers to obtain possession of this vast and desirable territory. Doubtless France and England, and perhaps for a time Russia, entertained hopes of securing the prize. Our own Federal Government, not to be outdone by European competitors, kept a jealous watch of the concerns of California and the entire Pacific Coast since the memorable

explorations of Lewis and Clark, who, by virtue of the wise forethought of Jefferson, made a most significant contribution to the westward movement, and the thrilling expedition of Zebulon M. Pike down the Rocky Mountain range to the Rio Grande, earning for him the title of imperialistic expansionist.

During the first third of the nineteenth century the native Californians did not regard the danger of territorial encroachment as of much consequence. Indeed, they were on the whole favorably disposed toward foreigners—this notwithstanding certain examples of harsh treatment on the one hand and pernicious activity on the other.

Here and there, however, a Californian was being made aware that the great natural wealth of the country was gradually becoming well known around the world. Thus Carlos Carrillo pointed out that there were powers "that recognized no right of domain not founded on actual possession"—not referring to the great unsettled areas between the northern frontier about Sonoma and the far-off Oregon line; and a little later Governor Figueroa, while directing that foreigners who desired to settle in accordance with the law be afforded every facility for doing so, perceived the great importance of founding frontier posts if Mexico was to maintain supremacy up to the forty-second parallel of latitude. That the Bear Flag was raised at Sonoma and that American settlers flocked to Frémont's banner at Sutter's Fort and even the Marysville Buttes—outlying points well to the north of the chief Mexican settlements—may not be devoid of historic significance.

Earlier pages have traced the coming of "the vanguard of the American advance" into California. The shrewd Yankee skipper and the intrepid Western trapper each bore a part—unconscious though it might have been—in making ready first for American occupation and finally for American acquisition. The historian is not called upon to justify nor even defend every act of every foreigner who found his way into early California. Many individual acts were, no doubt, thoroughly reprehensible, meriting in themselves unqualified condemnation; and certain individuals possessed characters totally unworthy of their homeland. But it is not inappropriate to remark that much of the facile criticism indulged in by arm-chair writers who have never seen a wildwood is simply wasted sentimentalism. Thus, the Indian, like every other human being, is entitled to just and humane treatment; but suddenly to clothe the savage redman with the habiliments of civilization does not immediately transform him into a man of culture with enlightened conceptions of value or of science. Again, it is clearly unreasonable to expect to find selected standards and ideas that obtain in our best-ordered communities in the midst of conditions that differ *toto caelo* from those, for example, of unstable Mexican California, or pathological American California of the gold days. It is not necessary to *defend* smuggling in general in order to *explain* the reasons for smuggling by certain captains in and out of the Californian ports; nor is it necessary to *uphold* popular tribunals in gen-

eral in seeking to *understand* San Francisco Vigilance of 1851. The pious mission fathers were often the best customers of the crafty sea merchants, who often plied a contraband trade. At times they felt that "dire necessity compelled them to depend on foreigners for subsistence." In a communication to the Mexican viceroy in 1819 Argüello wrote as follows:

> The padres are concerned in illicit trade from a grave and general necessity of clothing and other materials which they have experienced in the past, and experience more and more from day to day in the jurisdiction of this government. A rule of canonical law says, 'Necessity makes lawful that which by law is illicit.'

From the year 1822, when the arrival of the *Sachem* inaugurated direct communication between Boston and the California ports, to the time of the actual conquest, the trade and commerce with California were almost completely monopolized by Boston merchants.

As the entrance into California through avenues of trade and commerce became predominantly American, so—and even more marked—was the ascendancy of American influence shown by the coming overland during the succeeding years of parties of trappers and early home-seekers. No account of the acquisition of California by the United States would be either accurate or complete that failed to give weight to the influence of such men as Ewing Young, William Wolfskill, J. J. Warner, Joseph Walker, John A. Sutter, and John Bidwell, and this nothwithstanding the fact that most of them became adopted citizens of Mexico.

During the period of the Alvarado revolution there was virtually no interference with foreigners in California, although the Graham affair took place soon thereafter. One effect of this non-interference quickly manifested itself in a considerable influx of deserters from vessels along the coast; other bad whites are said to have formed alliances with Indian horse-thieves in the interior; and interference with local politics on the part of certain aggressive immigrants not only became quite common but by some it came to be looked upon "as a natural and legitimate thing."

Even before the arrival of the Bartleson Company in the autumn of 1841 it had become common talk among navigators that the country would not long remain under Mexican rule, and it was repeatedly pointed out how easy it would be for an outside power to secure the prize.

While the peaceful penetration was progressing, and while the resources of California were becoming more widely known and more fully appreciated, individual Americans were not lacking who lifted their eyes and professed to perceive the continental bounds that manifest destiny had prescribed for their nation. Lieut. Charles Wilkes, as government explorer, doubtless expressed the views of an increasing number of both private and official observers when he wrote in his *Narrative:*

> The situation in California will cause its separation from Mexico before many years. It is very probable that this country will become united with Oregon, with which it will perhaps form a state that is destined to control the destinies of the Pacific. This western coast enjoying a climate in many respects superior to every other in the

> Pacific, possessed as it must be by the Anglo-Norman race, and having none to enter into rivalry with it but the indolent inhabitants of warm climates, is evidently destined to fill a large space in the world's future history.

Following the non-interference of 1836-38 and the return of Graham and his companions to California after the inglorious affair of 1840, the administration was badly equipped to carry out any policy looking either to the expulsion of foreigners already in California or to the prevention of entrance by others. President Bustamante did indeed issue orders to the effect that "any person going to California without the consent in due form of Mexican diplomatic or consular agents, would do so at his own peril, the government incurring no responsibility for damages;" also that "no foreign immigrant should be permitted to remain in the territory who was not provided with a legal passport."

But in the meantime conditions were fast arising which rendered such orders more and more futile and unavailing. Only a few months after the return of Graham the Bartleson-Bidwell company arrived in Central California and the Workman-Rowland party in the south. The newcomers were not provided with passports, and they professed ignorance of the fact that such documents would be required. When in early November, 1841, a group of these Americans presented themselves to the sub-prefect at Mission San José, Gen. M. G. Vallejo, to whom the matter was referred, found himself in a delicate position. Vallejo, no doubt thoroughly loyal at that time to Mexico, was not disposed to send the strangers back into the mountains to perish in the winter storms, nor indeed could he be at all certain that he possessed the requisite force to expel them from the country. All agree that he treated the Americans kindly and considerately, at the same time pointing out to them his own legal obligations. Reporting afterwards to the governor, he made a candid statement of his course of action, expressing his belief that he

> had employed the only means to reconcile justice with circumstances and duty with prudence, the country having the dire alternative of consenting to what it cannot prevent, or commanding without being able to enforce, for want of military strength.

The foreign element in California had become too formidable; and Americans clearly dominated the foreign element, especially when the stronghold at Sutter's Fort on the northern frontier and the friendly attitude of its genial commander were taken into account.

Moreover, as has already been pointed out, the position of the United States—viewed as a competitor for the prize—was daily strengthened by patient delay. The work of ardent promoters like Hall J. Kelley and enthusiasts like Robidoux was effectively done; newspaper publicity, becoming broadcast over the land, did much to spur migration; and the actual residence in California of even a small number of American homeseekers—all these were as successive steps leading toward what even in the earliest '40s began to appear as the "inevitable acquisition of the

country." This very feeling, in turn, had its effect in stimulating further immigration as well as influencing official Washington and bringing alarm to the Mexican authorities. In the meantime the desire to purchase California had found expression in a series of negotiations—quite futile, to be sure—with the Mexican central government.

The greatest of all obstacles that lay in the pathway to American acquisition by purchase was found in internal dissensions and factional strife in Mexico. Duff Green, the accredited representative of the Department of State, in negotiating for Mexican territory after the return of Thompson, was undoubtedly correct in his analysis of the situation when he reported the impossibility of securing Mexico's consent to the cession of "any part of the public domain of Mexico whatever." Green's letter continues:

> In the midst of a civil conflict where each party is seeking pretences to invade and confiscate the property of their opponents and where the principle is maintained that it is treason to sell part of the public domain to the United States, it is worse than folly to suppose that either party can alienate any part of Texas or California.

In the midst of Tyler's earnest endeavors to bring about the purchase of California, an event occurred at Monterey that was, in addition to being of dramatic interest in itself, of such a character as at once to arouse suspicion in California and among Mexican leaders regarding the attitude of the administration at Washington and at the same time reveal something of the deeper policy of the United States. In the early autumn of 1842 Commodore Thomas Ap Catesby Jones, having returned to the harbor of Callao after a cruise, maintaining vigilant outlook upon the movements of the French and particularly the British vessels, was led to believe, from the contents of a dispatch from the American consul at Mazatlan, together with copies of several papers, that actual hostilities existed between Mexico and the United States.

It will be recalled that a critical point had been reached in diplomatic relations between the two governments, growing out of the conditions in Texas, and that war had already come to be viewed as imminent. Linking this situation with the instructions to Jones, received many months earlier, and remembering that he was without the means of prompt communication with his government, it is not difficult to understand—and perhaps sympathetically appreciate—his course of action. His general instructions, dated December 10, 1841, while giving admonition that only "the necessity of prompt and effectual protection to the honor and interests of the United States" would justify the provoking of hostilities or the commission of hostile acts, also include the following:

> In the event, however, of any outrage on our flag, or interruption of our commerce, or oppression of our citizens on shore, or detention of any of our seamen in the public vessels of any of the states bordering on your command, you will afford them every aid, protection, and security consistent with the law of nations.

After giving careful consideration to the entire situation according to his lights, being rendered doubly alert by the sudden departure of Rear Admiral Thomas, on September 3, under sealed orders, with three English men-of-war, and after consultation with the United States chargé d'affaires at Lima, Jones departed for the north, September 7, with the *United States, Cyane,* and *Dale.* As a further indication that he did not act in an arbitrary and precipitous manner, he consulted the commanders of his three vessels, who confirmed him in his opinion. It was decided that, in the event that the two countries were authoritatively found to be at war,

> it was their 'bounden duty' to seize and hold every point and port; while in any case, in accordance with the Monroe doctrine, the military occupation of California by any European power, 'but particularly by our great commercial rival England,' would be an act so decidedly hostile 'as not only to warrant but to make it our duty to forestall the design of Admiral Thomas if possible by supplanting the Mexican flag with that of the United States at Monterey, San Francisco, and any other tenable points within the territory said to have been recently ceded by secret treaty to Great Britain.'

Dispatching the *Dale* to Panama, with a report for Washington, the *United States* and *Cyane* proceeded to Monterey, rounding Point Pinos at dawn, October 19. No English war vessel was found in the spacious harbor; yet to Jones' suspicious eye—quickly observing conditions and weighing such reports and rumors as he could gather—the situation was one demanding action. His attitude is best expressed in his own report to the secretary of the navy:

> The time for action has now arrived. . . . Whilst nothing had occurred to shake my belief in the certainty of hostilities with Mexico, the reiterated rumored cession of California to England was strengthened by what I have already related. Hence no time was to be lost, as another day might bring Admiral Thomas with a superior force to take possession in the name of his sovereign; General Micheltorena, or the new governor-general of California, might appear to defend his capital, within less than three days' march of which he was then said to be. If I took possession of the country and held it by right of conquest in war, and there was war with Mexico, all would be right; then if the English should come and claim under a treaty of cession, as such treaties do not give title till possession is had, I should have established a legal claim for my country to the conquered territory, and at least have placed her on strong grounds for forcible *retention* or amicable negotiations, as after circumstances might dictate. If Admiral Thomas should afterwards arrive and attempt to supplant our flag on shore, the marines of the squadron to man the guns of the fort without weakening our ships would insure us the victory, and the responsibility would rest on the English commander. On the other hand, if it should turn out that amicable relations had been restored between the United States and Mexico, that Mexico had not parted with the Californians, and that at the time I demanded and took possession of Monterey there was no war, the responsibility of the act at first might seem to rest on me, certainly not on our government, who gave no orders upon the subject. But if I am right (of which there can be little doubt) in assigning to Mexico the attitude of a nation having declared conditional

> war, then, under all the circumstances of the case, Mexico is the aggressor, and as such is responsible for all evils and consequences resulting from the hostile and menacing position in which she placed herself on the fourth of June last. But I may be wrong, *toto caelo,* in all my deductions and conclusions. If so, I may forfeit my commission and all that I have acquired in seven and thirty years' devotion to my country's service. Terrible as such a consequence would be to me and my family, it was not sufficient to deter me from doing what I believed to be my duty, when a concatenation of unforeseen and unforeseeable events required prompt and energetic action for the honor and interests of my country.

On the afternoon of the very day of Jones' arrival formal demand was made for the surrender of the post, and before midnight a commission of Californians was sent to arrange the terms, which were duly signed at 9 o'clock the following morning.

Alvarado signed the articles—so it was specified—"from motives of humanity; the small force at his disposal affording no hope of successful resistance against the powerful force brought against him."

At 11 a. m., October 20, 1842, the Stars and Stripes supplanted the Mexican flag over the government house at Monterey, thus asserting possession of the territory extending from San Luis Obispo to San Juan Bautista. The intentions of Commodore Jones are expressed in his proclamation, issued in Spanish and English, which was calculated to impress upon the Californians the rich blessings vouchsafed by the change of flags. In part, it is as follows:

> Inhabitants of California! You have only to remain at your homes in pursuit of peaceful vocations to insure security of life, person and property from the consequences of an unjust war, into which Mexico has plunged you. Those stars and stripes, infallible emblems of civil liberty, etc., now float triumphantly before you, and henceforth and forever will give protection and security to you, to your children, and to unborn countless thousands. All the rights and privileges which you now enjoy, together with the privilege of choosing your own magistrates and other officers for the administration of justice among yourselves, will be secured to all who remain peaceable at their homes and offer no resistance to the forces of the U. S. Such of the inhabitants of Cal., whether natives or foreigners, as may not be disposed to accept the high privilege of citizenship, and to live peaceable under the free govt of the U. S., will be allowed to dispose of their property and to remove out of the country, without any other restriction, while they remain in it, than the observance of strict neutrality—total abstinence from taking part directly or indirectly in the war against the U. S.

After further investigation and the examination of recent Mexican papers found in the office of the *comisario,* Jones was finally convinced that friendly relations existed between the two countries at least to August, and moreover that the rumored cession to England was without substantial foundation.

> "This change in the aspect of international affairs," he afterwards wrote, "called for prompt action on my part. The motives and only justifiable grounds for demanding a surrender of the territory were thus suddenly removed, or at least rendered so doubtful as to make it

> my duty to restore things as I had found them, with the least possible delay."

Restoration of everything to previous conditions was promptly made, the American garrison retired to their vessels, and a salute was fired in honor of the Mexican flag. During the weeks that Jones remained in the north his personal and social relations with the Californians were most friendly. The thought that they were to have a more stable government than the one under which they had been living was by no means displeasing to some of the most wealthy and influential Californians. Governor Alvarado himself, writes Alfred Robinson, expressed a preference for American rule over "the degrading necessity of submission to the newly arrived Mexican general [Micheltorena], who had been sent by the Mexican government to supersede him."

In due time suitable apologies were offered the Mexican authorities by Daniel Webster, secretary of state, together with assurances that ample reparation would be made for injuries done; at the same time he maintained that Jones "intended no indignity to Mexico, nor anything unlawful toward her citizens." Mexico took diplomatic advantage of the outrage and demanded that the offending Commodore be brought to trial —which, however, was never done. In an official communication from the secretary of the navy, March 1, 1845, Jones was exonerated from all blame and promised a new command.

Results of the premature flag-raising episode were practically none. It revealed clearly the fact—not even then wholly a secret—that the United States did not intend to be forestalled by any European nation in California. Mexico naturally took alarm at the unseasonable occurrence; nevertheless California remained an easy prey for any great power, so far as Mexico was concerned.

The actual conquest of California by the United States was finally consummated by a remarkable combination of several interacting factors. These were: (1) the presence in the territory of a considerable number of Americans, who as a rule were men of energy animated by a feeling of distinct superiority over the native Californians and who were eager for an opportunity to display their patriotism; (2) the clearly defined policy of acquisition formulated and maintained by President Polk; (3) the protracted imminence and finally the actuality of war with Mexico; and (4) the irresistible sweep of the captivating idea of continent-wide borders for the destiny of United States.

The Bear Flag revolution showed that the Americans in California were ready for any eventuality. Unknown to its participants in far-away Sonoma, the Congress of the United States had already voted (May 13, 1846) that a state of war existed by virtue of Mexican aggression. But antecedent to such overt acts as the raising of the Bear Flag was the peaceful penetration of American traders, trappers, and homeseekers, whose confined influence constituted a most dynamic element in making ready the easy paths of actual conquest. The weight of this element was

greatly enhanced by the slight tenure of Mexico over the province of California and by the spirit of aloofness toward the mother country that characterized the typical Californian. The conditions of soil and sunshine, so to speak, were highly conducive to the rapid ripening of the fruit.

That the luscious fruit was a prize that stirred the interests of nations has been already sufficiently dwelt upon. If California was inevitably to drop away from Mexico, as Lord Aberdeen himself had acknowledged, it would be idle to imagine that the United States could maintain a policy of indifference. From Jackson to Polk the national eye was never removed from the prize; we are about to witness how Polk's policy worked out in the actual execution.

The Republic of Mexico, always enfeebled and never convincing as a power, would doubtless lose—indeed *was* losing—its grip on California even if war with the United States had not come. The imminence of war, however, unquestionably speeded the process and greatly increased the chances of the United States as a competitor for the prize; and with the actual declaration of hostilities events hastened to their only logical culmination.

While individual Americans were finding their way into California, of whom an occasional seer caught visions of future values; while the national policy was being slowly woven into tangible form, and here and there a statesman perceived the potential significance of ample harbors and bountiful resources on the far-off Pacific; and while Mexico was drifting into international complications too grave for her to cope with, in spite of the admonitions of England—in the very midst of the complex current of history there was beginning to grip the American imagination what came to be one of our most potent political ideals. Manifest destiny, intangible, imponderable, with its unheralded but irresistible powers, gradually captivated the American imagination, pervaded American politics, and decreed for the United States a continental dominion.

If it is argued that the conquest of California would have been effected in the absence of one or more of the factors pointed out, the sure rejoiner is that all were, as a matter of fact, present in the historic conquest, and moreover, that in the stirring days of 1846 all were inextricably interlinked in the great achievement.

It remains to trace the events that actually completed the process of making of California an integral part of the United States of America. These may be quickly told, though no brief account can possibly do justice to the dramatic interplay of personalities and events leading to the capitulation of Cahuenga and finally to the treaty of Guadalupe Hidalgo.

CHAPTER XI

THE AMERICAN CONQUEST: LATER PHASES

In May, 1845, Frémont's third and most extensive exploring expedition set out from St. Louis, an ostensible object being the discovery of a shorter and more feasible route across the mountains to the Pacific. Frémont was eager to revisit California and more fully examine its character and resources. Fully aware of the strained relations between the United States and Mexico, he was impressed with the international potentialities of the expedition, though on occasion he was careful to explain that his object was "to explore the most direct routes to the Pacific Coast, and to do topographical work in California," not having "the least view to military operations." His party consisted of sixty-two men, including surveyors, guides, and assistants—a rather formidable force to make its appearance into disturbed California at that time.

While the main body of the expedition proceeded southward along the edge of the mountains, Frémont made his way to Monterey to confer with Thomas O. Larkin, the American consul. After some delay he obtained permission from Gen. José Castro to winter in the San Joaquin Valley, "away from the settlements, where the men would not be likely to annoy the people."

A few weeks later the entire party became united, and in early spring they started south. It seems that instead of strictly heeding the warning that he must keep his men away from the coast settlements, Frémont proceeded westerly and southwesterly, in the direction of the most thickly settled portions of California, a course that was construed as a violation of the understanding with Castro. Great was Frémont's surprise, therefore, on receiving peremptory orders to leave the province immediately. In his own later account of the conquest Frémont said, on receiving this astonishing order,

> I desired the officer to carry as my answer that I peremptorily refused to comply with the order, which was an insult to my Government. My men, like myself, were roused by the offense, and were eager to support any course I saw fit to adopt.

He then proceeded to take a position on Gavilan (Hawk's) Peak, where on March 6 a log fort was built and, amid the cheers of the men, the American flag was raised on a tall sapling. In his proclamation dated March 8, 1846, we have General Castro's version:

> Fellow citizens: A band of robbers commanded by a Capt. of the U. S. army J. C. Fremont, have without respect to the laws and authorities of the Department daringly introduced themselves into the country

and disobeyed the orders both of your Commander in Chief and of the Prefect of the district by which he was required to march, forthwith, out of the limits of our Territory; and without answering their letters he remains encamped at the farm "Natividad" from which he sallies forth committing depredations, and making scandalous skirmishes.

In the name of our native country I invite you to place yourselves under my immediate orders at headquarters, where you will prepare to lance the Ulcer which (should it not be done) would destroy our liberties and independence for which you ought always to sacrifice yourselves, as will your friend and fellow citizen.

THOMAS O. LARKIN

For three days Frémont remained in possession, the American flag flying constantly. Meantime Castro busied himself with military preparations with a view to driving out or destroying the Americans. Quite naturally, however, Castro hesitated, even with his superior force, and probably did not in reality desire to attack Frémont in his strong position at all.

Then Frémont retired "slowly and growlingly" to the north before a force outnumbering his own at least five to one. Making camp in the

vicinity of Sutter's Fort, the Americans remained for about a week to recruit the animals; then they took up the march towards the Oregon line. After another delay, at Lassen's on Deer Creek, Frémont again started northward, about April 14, and on May 8 he encamped near the northern end of Klamath Lake. Late that evening news was brought into camp by two horsemen to the effect that a United States officer bearing dispatches was on the trail, two days behind. With nine of his men, "four of them Delaware Indians," the captain set out, the next morning, and after a ride of about sixty miles, skirting the west side of the lake, met the messenger, Lieut. Archibald H. Gillespie.

Gillespie, as bearer of dispatches, had reached Monterey not long after the affair of Hawk's Peak, having brought among his papers a packet of letters from Senator Benton for his son-in-law, Frémont. He had memorized the dispatch of Buchanan and destroyed it before venturing to pass overland through Mexico. Afterwards he had written it down from memory and delivered a copy to Larkin, who, on the 17th of April, had received his appointment as confidential agent of the United States in California.

After reporting fully to Larkin in Monterey, Gillespie had proceeded to Yerba Buena, remaining a short time with W. A. Leidesdorff, American vice-consul. Then he had set out on the trail of Frémont, who later pointed out the singular coincidence that he was informed of Gillespie's coming on the 8th of May and met him on the 9th—"the days on which were fought the first battles of the Mexican war, Palo Alto and Resaca de la Palma."

The nature of the secret messages carried by Archibald H. Gillespie to Larkin and particularly to Frémont was long a matter of much conjecture and controversy. They certainly conveyed an impression that war with Mexico was inevitable and in effect directed Frémont, in the event of war, to hold himself in readiness to coöperate with land and naval forces of the United States. In his deposition dated February 28, 1848, Frémont said:

> The letter from the Secretary [Mr. Buchanan] was directed to me in my private or citizen capacity, and, although importing nothing beyond the introduction, accredited the bearer to me as coming from the Secretary of State, and, in connexion with the circumstances and place of its delivery, indicated a purpose in sending it which was intelligibly explained to me by the accompanying letter from Senator Benton, and by communications from Lieutenant Gillespie. This officer informed me that he had been directed by the Secretary of State to find me, and to acquaint me with his instructions, which had for their principal objects to ascertain the disposition of the California people, to conciliate their feelings in favor of the United States, and to find out, with a design of counteracting, the designs of the British Government upon that country.

Concerning the letters from Senator Benton, Frémont later wrote:

> Read in the light of many conversations and discussions with himself and other governing men in Washington, it clearly made me know that

> I was required by the Government to find out any foreign schemes in relation to California, and to counteract them so far as was in my power. His letters made me know distinctly that at last the time had come when England must not get a foothold; that we *must be first.* I was to *act,* discreetly but positively.

Before proceeding with the main narrative it is well to advert to the so-called "Macnamara colonization scheme." Extensive correspondence serves to indicate that a Catholic priest, Eugenio Macnamara by name, proposed to plant in Alta California a colony of Irish Catholics. His avowed objects were to advance the cause of Catholicism, contribute to the happiness of his countrymen, and "put an obstacle in the way of further usurpations on the part of an irreligious and anti-Catholic nation." As a beginning 1,000 families were to be placed on the bay of San Francisco; later plans called for a second colony near Monterey and a third at Santa Barbara. By this means, wrote Macnamara, "the entire coast (by which most danger is to be expected) would be completely secured against invasions and pillages of foreigners."

Gillespie reported that a junta that had been planned for Santa Barbara for June 15, 1846, by the British vice-consul and Macnamara, "had been prevented from assembling in consequence of the rising of the settlers."

> "This junta was proposed," the narrative continues, "for the purpose of asking the protection of England and of giving an immense tract of land . . . for the settlement of ten thousand Irishmen, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Captain Frémont."

Whatever interest or participation in the proposed colonization scheme accredited British representatives may or may not have had, there is abundant evidence that "the Macnamara grant was a topic of free and very general conversation, and it was universally asserted," stated Col. William H. Russell, "that the revolutionary movement in Sonoma was the sole cause of its prevention." This witness, whose views seem to have been shared by Capt. Richard Owens, Lieut. George Minor, and others, entertained the confident belief

> that the most valuable portion of the beautiful valley of San Joaquin, and the wealthy missions of the country would have been ceded and granted away, but for the opportune hoisting of the bear flag, which completely suspended or defeated the entire plan or arrangement.

On receipt of the important messages at the hand of Gillespie, Frémont was absolved from his duties as an explorer and "left to his duty as an officer in the service of the United States, with the further authoritative knowledge that the Government intended to take possession of California." After thoughtfully reading his home letters by the camp fire, he resolved to return immediately to the Sacramento Valley. "This decision," he declared, "was the first step in the conquest of California."

Frémont's return, after some severe fighting with the warlike Klamath Indians, was not only in line with his official duty as he conceived it, but also it closely coincided with his own personal desires, and brought him instant welcome and support from the quickly discerning American settlers. Encamped at the base of the Marysville Buttes, numbers of settlers, quickly sensing the significance of his return, lost no time in reaching his headquarters, curious for any scrap of information and eager for action. It was this feeling of curiosity and eagerness, to which was added genuine uneasiness and actual alarm when the report swept through the valley that a company of 250 Californians was marching toward Sacramento, that bound the Americans more completely together and at the same time added to the embarrassment and difficulties of Frémont's position.

Conditions were ripe for some kind of hostile demonstration—this, as we have seen in a previous chapter, was committed in the seizure of the Mexican horses. Then quickly follows the Bear Flag revolt, with which the reader is already familiar. While it is not even yet clear to what extent Frémont actually—though unofficially—sanctioned these events, he has been subjected to much criticism for his course and his conduct. Nevertheless, while it may be conceded that he perhaps made serious mistakes and at times was found wanting in tactful procedure, it is but just to state, in view of the impossibility of keeping in touch with Washington and the actual perplexities of the situation, in the words of Professor Cleland, that he "pursued a perfectly natural and not altogether blameworthy course." It may be added that the safety of his own party depended upon "prompt and energetic movements." With him war had become a great desideratum, and the course he took precluded the possibility of achieving the acquisition of California by wholly peaceful means, as was so earnestly desired by Larkin.

At this point it is but just to record our appreciation of the important part played by the American consul, for any adequate recognition of the services of Thomas O. Larkin in connection with the conquest of California has been too seldom expressed by historians. Beginning early in 1844, his important series of communications to the Government at Washington, ever watchful of the movements of England and France and jealous of their influence in California, he has rightly been called "the pioneer of the acquisition." Merely because his was a policy of conciliation, it would be a mistake to assume that he was half-hearted about securing California for the United States; he had received abundant evidence of the inability of Mexico to maintain stable government in the province. Mr. Rayner W. Kelsey has summarized his contribution in these words:

> Larkin's part in the conquest of California has never been duly appreciated. His silent, toilsome efforts were easily forgotten when they were superseded by the more spectacular methods of the Bear Flag and the conquest.

We are now ready to introduce Commodore John Drake Sloat, who, as commander of the American naval forces in the Pacific, was to signalize the actual conquest. Mr. George Bancroft, secretary of the navy, had instructed Sloat to seize San Francisco and other harbors in the event of war with Mexico. Learning through Larkin of the Hawk's Peak affair and the serious consequences expected, he ordered Capt. John B. Montgomery to Monterey with the *Portsmouth,* he remaining with four vessels off the west coast of Mexico. Montgomery at Monterey and later at San Francisco keenly watched the rapidly developing situation; but, being totally ignorant of the existence of any declaration of war, he was not permitted to become an active participant. A few weeks later another vessel, the *Cyane,* Capt. William Mervine, was ordered to Monterey. Finally, about the first of June, the Commodore himself put off to sea from Mazatlan in the flagship *Savannah,* and shortly pointed the prow of his vessel directly toward Monterey. For the first day of July the entry in Midshipman Duvall's log book concludes, "Standing in for the Harbor of Monterey;" and for the following day (July 2) we read:

> 4 P. M. Clewed up and came to with Starboard Anchor in 9 fms. of water. . . . Thos. O. Larkin (Amr. Counsel) visited the Ship.

While, as has already been pointed out, Admiral Seymour, commander of the British squadron in the Pacific, had no instructions to occupy California ports nor to race Commodore Sloat to Monterey,—as vividly averred by many writers—it is well to remember that he had been keeping a close watch upon the movements of the American commander, ready to "protect the British interests in California" in the event of war between the United States and Mexico. Moreover the solicitude concerning English designs that was felt by the administration at Washington was undoubtedly shared by Commodore Sloat.

While in the port of Monterey, Sloat received several despatches and had extended conferences with Larkin, from whom he learned of the revolutionary movements in California, the capture of General Vallejo and his companions, the Bear Flag Republic, and the activities of Frémont. By many he has been charged with indecision and inactivity, since he did not at once raise the American flag; and his anxiety to commit no wrong undoubtedly did place him in an unfortunate position. His admiring biographer, Major Edwin A. Sherman, however, staunchly defends him in these words:

> With one eye on the sea to watch for the arrival of the British fleet and the other on the land, he prepared his plans like a skilful general and acted with cool discretion and deliberation accordingly, and in strict conformity with his orders.
>
> There was no *hesitation* or *wavering* about performing his duty, whatever.

An important light is shed upon this subject by the Lieutenant Gillespie's statement before the congressional committee, February 22,

1848, in answer to the question whether he was present at the interview between Sloat and Frémont. Gillespie said that,

> at an interview between Commodore Sloat, Captain Frémont, and myself, held on board the United States frigate *Savannah* . . . in July, 1846, Commodore Sloat manifested a feeling of dissatisfaction that Captain Frémont and myself had not reported ourselves and the force under our command to him, and said, addressing both, as near as I can recollent, "I do not know by what authority you are acting, I can do nothing. Mr. Gillespie has told me nothing; he came to Mazatlan, and I sent him to Monterey, but I know nothing. I want to know by what authority you are acting?" Captain Frémont replied, "He had acted upon his own authority, and not from orders of the government." Commodore Sloat then expressed much surprise and distress, and said, "I have acted upon the faith of your operations in the north."

We shall let the unpublished log book of Robert Carson Duvall, midshipman, tell of one of the momentous events in the history of California.

> Tuesday, July 7:
>
> "Remarks as regards wind and weather. Same as in the preceding, the Portsmouth Launch left for San Francisco. made Signal 894 to Levant. at 7:30 Capt. Wm. Mervine Commdg the Cyane went on Shore. with a force to Demand of the Military Commandant the surrender of the Town of Monterey forthwith—together with the Forts. Military Posts. &c all troops arms Munitions of war and Public property of any description under his Control and within his jurisdiction in California, Cleared away the Larboard Battery & got ready for action, 9 A M Called all hands and read the following General order.
>
> Flag Ship Savannah
> Harbor of Montery. July 7 1846
>
> We are now about to land on the Territory of Mexico with whom the U. S. is at War to strike their flag and hoist our own in the place of it is our duty, it is not only our duty to take California but to preserve it afterwards as a part of the U. S. at all hazards to accomplish this it is of the first importance to cultivate the good opinion of the inhabitants whom we must reconcile I scarcely Consider it necessary for me to Caution American-Seamen and marines against the detestible Crime of plundering and maltreating unoffending inhabitants. That no one may misunderstand his duty the following regulations are to be strictly adheard to as no violation can hope to escape the most severe Punishment.
>
> 1st On Landing no man is to leave the shore until the Commd'g officer gives the order to march.
>
> 2nd No Gun is to be fired or other act of hostility Commited without express orders from the Commd'g. officer.
>
> 3rd The officers of Boats and Boat Keepers will keep their respective Boats as close to the Shore as they will safely float—taking care that they do not lay aground and remain in them prepared to defend themselves against attack and attentivly watch for Signals from the ship as well as from the party on Shore.
>
> 4th No man is to quit the Ranks or enter any house on any pretence whatever. without express orders from an officer. let every man avoid—insult—or offence of any Kind to unoffending inhabitants and especially avoid that eternal disgrace which would be attached to our

> Country and our name, by indignity offered to any Female let her standing be however so low.
> 5th Plunder of any kind is strictly forbiden not only does the plundering of the smallest article from a prize forfeit all claim to prize Money but the offender must expect to be Severely punished.
> Finally let me entreat you one and all not to tarnish our hopes of Bright Success by any act that we will be ashamed to acknowledge before God and our country.
>
> Signd John D. Sloat
> Commd in Chief of U. S. Naval
> Forces in the Pacific Ocean
>
> At 9.30 Capt. Mervine returned from shore with the reply from the Military Commandant Marmina Silva that he was not authorized to comply with our demands having no orders to that effect but that said arrangement the Commander in Chief may adjust with the Commd'g General to whom the Communication should be sent—he being at the time absent with his Army for the purpose of quelling an insurrection on the part of foreigners chiefly Amers. who had risen in the Northern district to redress their grievances under the appellation of the "Bear party." 9.50 made Signal to Squadron 134 at 10 an expedition left this consisting of the Boats of this Ship and Cyane and Levant with 85 Mar. and 140 Sailors under the Command of Capt. Wm. Mervine. at 10.20 the forces landed at the wharf of the Custom House, read a Proclamation from the Commander in Chief to the people of California . . . hoisted the Amr. Ensign on the Custom Flag Staff amidst the Cheers of our forces Saluted it with 21 Guns from the Savannah and Cyane—At 11 A M the Boats returned to their respective Ships leaving the body of Marines and Capt. Mervine and officers in charge of the Town, who were occupied in securing from the Mexican authorities all arms, Munitions of War and other Public property and making Inventories of the Same.

Did Commodore Sloat have instructions to raise the Stars and Stripes at Monterey? Did he have official information of a declaration of war between the United States and Mexico? Or did he yield to the pressure of the local situation, assuming that Frémont had ample instructions, and reluctantly decide to take formal possession of California even at the risk of repeating the premature conquest by Commodore Jones in 1842? In answer to these questions, concerning which there has been widespread misconception, it is perfectly evident from the proclamation issued to the inhabitants as well as from other contemporary official correspondence that Sloat had positive knowledge of hostilities on the Rio Grande. He did not, however, have knowledge of any "formal declaration of war" between the two countries, neither was the knowledge he did possess imparted to him by his superiors at Washington. The source of his information is revealed in his letter of March 20, 1855, written to Fleet Surgeon William Maxwell Wood:

> I am most happy to acknowledge the very important services you have rendered the Government and the Squadron in the Pacific under my command at the breaking out of the Mexican War. The information you furnished me at Mazatlan from Guadalajara (at the risk of your life) was the only reliable information I received of that event, and which induced me to proceed immediately to California, and upon my own responsibility to take possession of that country . . .

And so, at 10 o'clock in the morning of July 7, 1846, some 250 marines and seamen were landed under Captain Mervine and marched directly to the custom house, the proclamation of the commodore was read, the United States flag was raised, cheers were given by troops and spectators, and a salute of twenty-one guns was fired from each of the American vessels. Thus was California taken formal possession of by regular forces of the United States.

In his temperate and skillfully drawn proclamation to the inhabitants of California, which was posted in public places both in English and in Spanish, Sloat said:

RAISING OF AMERICAN FLAG AT MONTEREY
(From Pictorial History of California.)

> The central government of Mexico having commenced hostilities against the United States of America by invading its territory and attacking the troops . . . on the north side of the Rio Grande, and with a force of 7,000 men under . . . Gen. Arista, which army was totally destroyed . . . on the 8th and 9th of May last by a force of 2,300 men under . . . Gen. Taylor, and the city of Matamoras taken . . . and the two nations being actually at war by this transaction, I shall hoist the standard of the United States at Monterey immediately, and shall carry it throughout California. I declare to the inhabitants of California that, although I come in arms with a powerful force, I do not come among them as an enemy of California; on the contrary, I come as their best friend, as henceforward California will be a portion of the United States, and its peaceful inhabitants will enjoy the same rights and privileges as the citizens of any other portion of that territory, with all the rights and privi-

> leges they now enjoy, together with the privilege of choosing their own magistrates and other officers for the administration of justice among themselves; and the same protection will be extended to them as to any other state in the Union. . . . Such of the inhabitants of California, whether native or foreigners, as may not be disposed to accept the high privileges of citizenship, and to live peaceably under the government of the United States, will be allowed time to dispose of their property and to remove out of the country, if they choose, without any restriction; or remain in it, observing strict neutrality . . . All provisions and supplies of every kind, furnished by the inhabitants for the use of the United States or troops, will be paid for at fair rates; and no private property will be taken for public use, without just compensation at the moment.

On July 15 the commander-in-chief announced in a general order that the Flag of the United States was flying at Yerba Buena, Sutter's Fort, Sonoma, and other points,

> and that the forces of the United States have quiet possession of the magnificent bay of San Francisco and all the country within one hundred miles around, to the manifest satisfaction of the inhabitants, many of whom have enrolled themselves under our Flag and Officers for protection.

The "Bear men" gladly forsook their purpose of maintaining an independent republic and eagerly enrolled under the Stars and Stripes. The capture of Monterey by Sloat's forces came in the nick of time to relieve the Bear Flag leaders of the necessity of pushing their conquest throughout California, on the one hand, or of beating an inglorious retreat, on the other, and was one of a number of remarkable coincidences in the history of the country.

Commodore Robert F. Stockton arrived at Monterey in the *Congress* July 15, reporting for duty to Sloat, who at once announced his intention of retiring at an early date. Accordingly, on account of infirm health, he assigned his command to Stockton on the 29th of July and sailed for Panama on his return home.

The new commander immediately took steps to complete the conquest of the country. His bold proclamations were in striking contrast to Sloat's moderate proclamation of July 7. Moved by "daily reports from the interior of scenes of rapine, blood, and murder," he announced that he would not confine his operations "to the quiet and undisturbed possession of the defenseless ports of Monterey and San Francisco," but avowed his intention of marching "against these boasting and abusive chiefs" of the interior and of the southern district. He accordingly organized the forces of Frémont and volunteers among the settlers as the California Battalion of mounted riflemen. This battalion, whose officers included A. H. Gillespie, P. B. Reading, Ezekiel Merritt and John Bidwell, was largely instrumental in effecting the actual conquest of California.

With but slight exception this was achieved without any actual fighting. "We simply marched all over California, from Sonoma to San

Diego," wrote Bidwell afterward, "and raised the American flag without opposition or protest. We tried to find an enemy, but could not."

Regarding tidings in California of the actual declaration of war between the two countries, Walter Colton presents this interesting picture in his *Three Years in California,* under date of August 12, 1846, when he records the arrival at Monterey of the United States ship *Warren,* Commander Hull, from Mazatalan, "bringing the eventful intel ligence that war had been declared between U. S. and Mexico":

> The war news produced a profound impression here. The whole population were instantly thrown into groups in the corridors and at the corners of the streets. The hum of voices continued late into the night. It was an extinguisher of the hopes of those who had looked to Mexico for aid, or who had clung to the expectation that the American government would repudiate our possession of California and order the squadron withdrawn.

Frémont, now commissioned a major by Stockton and acting under his orders, sailed on the *Cyane* for San Diego, which point he reached on July 29, at the head of the battalion. Several days later Stockton himself, with a force of about 360 men, sailed on the Congress, landing at San Pedro August 6.

At this point it is well to note the fair-minded—even friendly—attitude of Larkin toward the Californians, as reflected in his letter to the State Department the day before sailing with Stockton for Los Angeles. In this he said:

> The undersigned . . . shall proceed south in the *Congress,* and endeavor to be of service to the Commander in Chief . . . and will at all times endeavor to keep in view, the welfare and prosperity of the Californians, to calm their agitation and interest their feelings favorably to the new Government . . . not under the idea that their good will or services will aid in establishing our flag, which is not the case, but from motives of friendship and humanity to the former owners of the country.

Thus, while Frémont was marching northward from San Diego, Stockton made ready to advance on Los Angeles from San Pedro. There was really no California army worthy of the name, General Castro's forces at the time numbering only about a hundred men, and they being disaffected and almost without arms. Therefore, in spite of his dire threat that if the Americans marched on Los Angeles they would there find their grave, there was no attempt at serious resistance: instead, Castro advisedly took the old Anza trail to Sonora, and Pío Pico, the governor, after a brief sojourn at his San Bernardino ranch, sought refuge in Baja California, finally returning almost a year later.

Stockton began his march on Los Angeles on August 11. Frémont joined the marine force just outside the pueblo, and at about 4 P. M. on the 13th, says Bancroft,

> the combined armies entered the capital, where the flag of the United States was at once raised with the usual ceremonies, and here as else-

> where in California, without the slightest demonstrations of opposition or disapproval on the part of the inhabitants.

In a series of proclamations Stockton addressed the Californians as a generous conqueror, proclaiming a blockade of the entire coast against all but American merchant vessels and setting up the outlines of a government under martial law. The people, on the whole, retained their good humor and were disposed to submit to their fate. Regarding the part played by Frémont, concerning which there has been so much controversy, the subsequent deposition of Colonel William H. Russell, ordnance officer of the California Battalion, is of interest:

> Your deponent states that, in consequence of the wise and humane treatment of Colonel Frémont toward the conquered population, his popularity became very great in the country, and enabled him to do what no other men, I confidently believe, could have done, to obtain supplies on credit, and simply by pledging his word that his acts would be ratified by his government.

Thus was concluded what may be called the first conquest of California by American forces. As early as September 19, 1846, the *Californian,* California's first newspaper, in its sixth issue, used these significant words:

> California is now lost forever to Mexico; not a shadow of hope can remain that she can recover a foot of the Territory, and we do not believe that one inhabitant in ten, really regrets the result.

The reconquest of the southern portion of the province must now be quickly told.

With doubtful wisdom Stockton and Frémont returned to the north in September, leaving Los Angeles in command of Captain Gillespie with an insufficient garrison of but fifty men. Other officers were left in charge of various points along the coast.

Gillespie, failing to understand the Californians, and apparently coming to view them as a boastful and pusillanimous people, is said to have displayed an air of superiority and evidences of an intolerant spirit where tact and friendliness would have been his most powerful weapons, stirred within the breasts of the turbulent natives a feeling of deep resentment that quickly passed from irritation to exasperation, and from exasperation to open insurrection. After the first outbreak, on September 23, the revolt became serious with amazing rapidity, with the result that Gillespie found himself surrounded by several hundred excited Californians, in spite of the parole given by General Andres Pico and the other officers not to take up arms against the United States.

The country was up in arms, the people displaying a patriotism and a swift energy of which Gillespie had not thought them capable. A party of some twenty Americans was surrounded on the Chino ranch and finally compelled to surrender. Gillespie suddenly realized his perilous situation, for there was no available assistance nearer than Monterey. Realizing how impossible it would be to withstand a state of siege for any considerable time, he sent a courier on the four hundred mile jour-

ney for aid from Commodore Stockton—who was, in fact, then at San Francisco. The splendid performance of this messenger, Juan Flaco (John Brown), deserves to be commemorated as one of the most daring and brilliant rides in history. Eluding the besiegers and taking a course that lay through hostile territory, "Lean John" made the trip on horseback from Los Angeles to San Francisco—more than five hundred miles as he rode—in a period of between four and five days. With his dispatch written on cigarette paper and concealed in his hair, pursued for miles by a band of Californians, he kept on his way despite his difficulty in securing fresh horses and his loss of sleep, until San Francisco was reached and Gillespie's message delivered to Stockton.

Captain Mervine promptly set sail for San Pedro in the frigate *Savannah* with a force of three hundred and fifty men. Frémont, likewise acting under orders from Stockton, made ready to proceed to the south, at the head of the battalion. It was October 7 when Mervine dropped anchor at San Pedro.

But the generous help from the north came all too late to avail for Gillespie. His position on Fort Hill was seen to be untenable even before Flaco had delivered his message to Stockton—the only course was to surrender. Under the terms of capitulation, Gillespie marched his men, with a few foreigners desiring his protection, to San Pedro, under agreement to embark at once on a merchant vessel. Robert C. Duvall, a lieutenant under Captain Mervine on the *Savannah,* has given us an interesting picture of what happened. Extracts from his narrative, beginning Wednesday, October 7, follow:

> Wednesday, October 7:
> Standing in for the Anchorage of San Pedro. 6.30 made out the American Merchant Ship Vandalia having on her Decks a body of Men, on passing She Saluted with 2 Guns, which was repeated with three Cheers, which we returned. . . . Brevt. Capt. Archibald—Gillespie Came on board and reported that he had evacuated the Pueblo de Los Angeles, on account of the overpowering force of the Enemy and had retired with his Men on board the Vandalia after having Spiked his Guns, one of which he threw into the Water. he also reported that the whole of California, below the Pueblo, had risen in arms against our Authorities—headed by "Flores," a Mexican Captain on furlough in this Country who had but a few days ago given in his Parole of honor not to take up arms against the Govmt. of the U. S. Made preparation to land a force to march to the Pueblo at daylight. At 6 A. M. all the Boats left the Ship for the purpose of landing the forces. Numbering in all 299 Men including the Volunteers under Command of Capt. Gillespie. 6.30 all the forces were landed without opposition. the Enemy in Small detachments retreating towards the Pueblo. from their movements we apprehended that the whole force were near. Sent on board Ship for a reinforcement of 80 Men under the Command of Lieut. R. B. Hitchcock. At 8 A M the Several Companies all under the Commd. of Capt. Wm. Mervine took up the Line of March for the purpose of retaking the Pueblo. The Enemy—retreating on the advance of our forces. . . . For the first four miles our march was through Hills and ravines which the Enemy might have

> taken advantage of but prefered to occupy as spectators only until our approach and a few Shots from our flankers. (who were Volunteer Riflemen) would start them off after first returning the Compliment the remainder of our march was performed over a Continuous plane over grown with wild Mustard & in Some places to the height of 6 or 8 feet—the ground being excessively dry Clouds of dust arose to almost suffication and not the least wind in Motion—(together with no hopes of getting any water for 10 or 12 miles for the want of which we Suffered greatly, rendered our Situation truly Miserable) . . . We left our Camp the next Morning about 6 A. M. and had not proceeded far before the Enemy appeared before us drawn up on each Side of the road mounted on fine horses & Armed with a Lance and Carbine each man and having also a field piece (4 poundr) to which were "hitched" 8 or 10 Horses, laced in the road ahead of us . . . we made frequent charges driving them before us and at one time causing them to leave some of their Balls and Cartridges, but owing to the rapidity with which they could Carry the Gun off using Lasos on every part enabled them to choose their own distance, entirely out of all range of our Muskets. the Horsemen keeping out of danger and apparently Content to let the "Gun" do the fighting . . . finding it impossible to Capture the Gun, the retreat was Sounded when the Captain *Consulted* with his *officers* on the best Step to be taken, when it was decided *unanimously* to return on board Ship for Continue the march would be Sacrificing a Number of lives to no purpose, for admitting we could have reached the Pueblo all Communications would be Cut off with the Ship and we would farther be Constantly anoyed by their Artillery without the least chance of Capturing it, it was also reported that the Enemy were between five and six hundred strong at the City . . . they fired into us four times on the retreat the fourth shot falling short the report of the Gun indicating a Small Quantity of Powder. after which they remained stationary and manifested no farther disposition to molest us farther and we proceeded quietly on our March to the Landing. . . . We presented truly a pitiable Condition, many being bearly able to drag one foot after the other from excessive fatigue and extreme Soreness of the feet having gone through the excitement in Battle and afterwards performing a March of 18 or 20 miles without rest—this is the first Battle I have ever been engaged in, and having taken particular notice of those around me I can asert that no men could have acted more bravely.

Such is a contemporary account of what is known as the battle of Dominguez Rancho, the Californians being under command of José Antonio Carrillo and comprising in their ranks much of the flower of southern California's manhood. As a result of the engagement the Americans suffered a loss of five killed and a number wounded. The bodies of the dead were buried on the island in San Pedro harbor, thenceforth known as "Dead Man's Island." The revolt spread, and for a short time the territory from Santa Barbara to San Diego was again in the hands of the Californians, José Maria Flores having been proclaimed provisional governor and Manuel Castro northern *comandante*.

At this juncture it will be of interest to quote a remarkable letter addressed to Lieutenant E. M. Kern, commanding officer at Fort Sacramento (Sutter's Fort) by Lieutenant Joseph Warren Revere, dated at Sonoma, October 17, 1846. This letter, which in effect calls on all

Americans in California to arms, gives luster to the name of the writer similar to that of his illustrious ancestor, Paul Revere, whose memorable ride in Revolutionary days had been immortalized by Longfellow. The letter follows:

> All Lower California is in arms and Gillespie closely besieged in Los Angeles. You will therefore immediately on receipt of this order, Call in *All Americans to Arms.* The enemy threaten the lives of all Americans in the country, and you will enlist as many as offer sending as many to this post as you can spare from the defense of the Fort. The pay will be $25.00 a month.
>
> The danger is *imminent* as a rising in the North is seriously apprehended. Enroll *all* for the common defense for the enemy threaten the utter extermination of *all* Americans.
>
> Enlist for three or six months, and send such as are willing to the Pueblo San José where a garrison is much needed.

The only actual engagement in the north was a sharp skirmish on November 15th in the Salinas Valley, known as the battle of Natividad. This engagement was between a party of some sixty Americans—none of them regular troops—and double that number of Californians, the Americans being on their way with a band of several hundred horses to join Frémont. The battle of Natividad resulted in a loss of four Americans killed and as many wounded, the Californians sustaining a similar loss.

Stockton himself had reached San Pedro October 23, and by early November he was at San Diego. While planning an attack on the "horse-covered" hills toward the north, an important message was placed in his hand, which distinctly modified the subsequent course of events. It was a letter from General Stephen W. Kearny of the United States Army.

Not long after the opening of actual hostilities in the Mexican War Kearny had been ordered to proceed overland from Fort Leavenworth at the head of the Army of the West to take Santa Fé and the province of New Mexico. Successfully accomplishing this object in August, his further orders were to push on to California, there to coöperate with Stockton in securing possession of the province and to set up an American government. From this it may be observed that President Polk purposed to make doubly sure the acquisition of California. Secretary of War William L. Marcy's letter of instructions to Kearny, dated June 3, 1846, after referring to enlisting volunteers, choosing routes, etc., expressly states that "A large discretionary power is invested in you in regard to these matters, as well as in all others."

Kearny set out from Santa Fé September 25 on his march of more than a thousand miles, much of it a barren stretch of desert. On the 6th of October he met Kit Carson, with a party of sixteen men, on his way to Washington, bearing messages and papers, among which, to quote from his official report, was

> an express from Com. Stockton, and Lieut. Col. Frémont, reporting that the Californians were already in possession of the Americans under

> their command; that the American flag was flying from every important position in the territory, and that the country was forever free from Mexican control; the war ended, and peace and harmony established among the people. In consequence of this information, I directed that 200 dragoons under Major Sumner, should remain in New Mexico, and that the other 100, with two mountain howitzers, under Capt. Moore, should accompany me as a guard to Upper California. . . . We crossed the Colorado about 10 miles below the mouth of the Gila, and, marching near it about 30 miles farther, turned off and crossed the desert—a distance of about 60 miles—without water or grass. On the 2d of December, we reached Warner's Rancho, (Agua Caliente) the frontier settlemnet in California, on the route leading to Sonora. . . . On the 5th were met by a small party of volunteers, under Capt. Gillespie, sent out from San Diego, by Com. Stockton, to give us what information they possessed of the enemy . . .

In the journal of Lieutenant William H. Emory the entry for December 5 indicates that they heard that "the enemy was in force nine miles distant." The well mounted Californians, under Andres Pico, occupied the Indian village San Pasqual, between Kearny's position and San Diego. With the approval of Gillespie and Kit Carson, Kearny decided to attack the enemy. Thus we have to record the battle of San Pasqual, of December 6, 1846, the most bloody contest of the entire conquest, and from the standpoint of the Californians "the fight *par excellence* of the war." In the first attack Captain Abraham R. Johnston fell, shot through the head. After a fierce hand-to-hand combat, the Californians retreated, the Americans in pursuit; but because of jaded animals and lack of compact formation, the retreating enemy, with brilliant strategy, suddenly wheeled about and rushed upon Kearny's scattered forces, killing Captain Benjamin D. Moore and sixteen other men before the rear guard could bring up the howitzers. Kearny himself received two ugly lance wounds.

In the battle of San Pasqual the Americans fought with undoubted valor, but against heavy odds: their mules were unmanageable, and (in the fierce hand-to-hand combat) their short sabres were a poor match for the long lances of the Californians. Even when the Californians took to flight, the Americans were in no condition to pursue. Their sad plight may be understood from Emory's statement:

> Our provisions were exhausted, our horses dead, our mules on their last legs, and our men, now reduced to one-third of their number, were ragged, worn down by fatigue, and emaciated.

In the early morning of December 7 the Americans resumed their march toward San Diego, but progress was slow and detachments of Californians threatening. Kearny made camp on a hill near the San Barnardo ranch, practically surrounded by hostile forces. The besieged Americans subsisted for several days on mule-flesh and scanty water supply, and their situation was fast becoming most desperate.

Meanwhile Lieutenant Godey, and later Lieutenant Beale and Kit Carson, had been dispatched to San Diego for help. Late in the night

of the fourth day the spirits of the Americans were gladdened by the arrival of nearly two hundred sailors and marines, sent out by Commodore Stockton. By this union of forces the Californians were completely disconcerted, and the march was continued without disturbance, San Diego being reached December 12.

Regarding this most famous and sanguinary battle in California history, there has been much controversy. Bancroft in particular has criticized Kearny, saying, "It is difficult to regard the affair of San Pasqual otherwise than as a stupid blunder on the part of Kearny." More even-handed justice to all concerned is found in the words of Owen C. Coy: "this battle will take its place in California's history as one which shows forth boldly the courage and fortitude of the men who composed the American Army on the one hand, but also the dash and skill of the irregular California cavalry on the other hand. It constitutes an important incident in the American conquest of California."

As he read his instructions, it became the duty of Kearny to establish the supremacy of the United States over California; but prior to his arrival Stockton had, as commander-in-chief and acting governor, effected the first conquest. When Kearny exhibited his instructions to Stockton, the latter declined to turn over the chief command of the land forces or his position as governor. The unfortunate dispute over rank was temporarily adjusted by a compromise whereby Kearny took active charge of the troops, while Stockton retained for himself the title of chief commander. However clear Kearny was as to his technical rights and authority, he recognized his powerlessness—with but a handful of troops—against the claims of Stockton: therefore he deferred making unqualified assertion of his full rights and sought to avoid friction with an officer of the navy. Thus the combined forces, numbering about 600 men, left San Diego December 29, and took up the line of march for Los Angeles.

In the meantime Frémont at Monterey had recruited in the north more than four hundred men by the middle of November; and on the 29th had started south by way of Salinas Valley. After a week's camp at Santa Barbara, he resumed his march toward Los Angeles January 3, 1847, entering the valley of San Fernando on the 11th.

Despite the poor equipment of the forces of Kearny and Stockton, and the heavy roads and jaded animals, they met no opposition from the Californians until they came to the banks of the San Gabriel River, near the present town of Montebello. After camping the first night at Soledad, they had passed San Luis Rey and San Juan Capistrano missions and encamped not far from the San Gabriel River on the night of January 7.

General Flores, who with his command had encamped at San Fernando Mission for the purpose of offering resistance to Frémont—advancing from the north—left San Fernando on January 6, marched

to Cahuenga Pass and thence southward to the bluff above the north bank of the San Gabriel. His plan was to surprise Stockton by taking advantage of the willow thicket and tall mustard. In this, however, he did not succeed. On the night of the 7th of January, therefore, the opposing forces were encamped on opposite sides of the river only a few miles apart.

Early the following morning, Stockton is said to have spoken these words to his aid:

> If I live and the enemy will fight I will give the San Gabriel a name in history along with that of the Bridge of Lodi.

With comparative ease the Americans overcame the difficulty of quicksand and moved across the river in the form of a square, covered by skirmishers and carbineers. Gaining the opposite bank, they brought the artillery into action. In an hour and a half the entire force had crossed, the weak artillery of the enemy was silenced, and the bluff captured. Flores was in retreat toward Los Angeles. Having gained possession of the heights through Paso de Bartolo, the Americans celebrated the victory that meant the reconquest of California, the band playing "Hail Columbia" and "Yankee Doodle."

On the following day (January 9) was fought the final battle of the war in California, which confirmed the victory of San Gabriel River and preceded the actual re-occupation of Los Angeles. This is known as the battle of La Mesa, which, viewed as a conflict, was of comparatively slight importance, but, viewed in relation to the final establishment of American supremacy, was of vast significance.

Stockton's column moved steadily toward Los Angeles for about six miles, when the forces of the enemy appeared directly in front of them, near a slight ravine known as *Cañada de los Alisos,* not far from the Union Pacific Stock Yards of today. Three times the charges of the native cavalry were made and as often repelled by the deadly fire from the Americans, who lost but one killed and five wounded. The Californians, after sustaining heavy loss, abandoned the field and scattered in different directions.

On January 10, 1847, the Americans entered the City of the Angels, marching up the principal street to the Plaza, where Captain Gillespie hoisted the same flag upon the government house which he had been compelled to haul down the preceding September. This time it was not to be again lowered. The war was in fact ended.

Three days later (January 13) Andres Pico, to whom Flores had advisedly abdicated, surrendered his little band to Frémont, who was then approaching Los Angeles from the north. Apparently without questioning his own authority, Frémont entered into an arrangement with Pico that was well calculated to enhance his reputation and popularity. The terms of the "California Appomattox," known as the "Cahuenga Capitulations," were duly subscribed to by commissioners appointed by the parties to the compact and ratified by Frémont. Colton

pronounced them "liberal in their spirit, wise in their purpose, and just in their application."

> "With this treaty of Cahuenga," wrote Frémont years afterward, "hostilities ended and California was left in our possession, to be finally secured to us by the treaty of Guadalupe Hidalgo in 1848, thus becoming ours by purchase as well as by conquest and by treaty."

Before concluding this chapter the settled purpose of the national administration at Washington to make certain the acquisition of California may be further illustrated by making reference to two unique bodies of troops sent out to the Pacific Coast, one overland to support General Kearny, the other around Cape Horn to assist Commodore William B. Shubrick. These were the so-called Mormon Battalion and Stephenson's Regiment.

The former of these consisted of some five hundred Mormons mustered in at Council Bluffs, Iowa, in 1846, to follow Kearny to San Diego *via* Santa Fé, it being understood that they were to unite with the Army of the West at Santa Fé, march to the Pacific Coast, and be discharged in California in June of the following year. Under command of Lieutenant Philip Cooke the battalion reached San Diego near the end of January, 1847, too late to participate in the actual conquest of California. Nevertheless their achievement was remarkable. They tramped, so the account runs, "from the Missouri to the Pacific, a distance of over 2,000 miles, pioneering much of the way through an unknown wilderness." In the following July the troops were honorably discharged, some of them remaining in California but the majority returning to Salt Lake. A few of these Mormons were next heard of in connection with the great gold discovery in the north.

On August 17, 1846, Commodore Shubrick was ordered to proceed to the Pacific to take command of the United States naval forces there. In the event that the California ports had not been seized by the American forces on his arrival, he was to take immediate possession of Alta California with the aid of a military force sent out to coöperate with the navy. The first detachment of this military force consisted of a company of artillery commanded by Captain C. Q. Tompkins, which sailed on the *Lexington* and arrived at Monterey on January 28, 1847, also too late to take part in the war of the conquest.

It remains to make brief mention of Stephenson's Regiment, the second detachment of the military force sent out to assist the navy. This was a regiment composed largely of mechanics, numbering in all one thousand men, enlisted in 1846 in New York City, and placed under the command of Colonel Jonathan D. Stevenson. The regiment embarked on four vessels of transport, sailing from New York in the autumn of 1846. The first ship arrived in San Francisco March 6, 1847, the others following a little later. After short periods of garrison duty, Stevenson's troops, known as the Seventh New York Volunteers, in accordance with the terms of their enlistment, were mustered

out, in order that they might remain as settlers. The membership of Stevenson's Regiment included a number of men who became conspicuous in California history, and some later became prominent officers in the Civil War.

So far as California was concerned, the war was finally concluded with the Capitulations of La Cahuenga, whose generous terms won for Frémont many friends among the natives. During February and March, 1847, nearly all the volunteers were discharged from active service.

The war between the United States and Mexico, as is well known, came to an end with the Treaty of Guadalupe Hidalgo, of February 2, 1848. This treaty provided for the suspension of hostilities and declared a "firm and universal" peace between the two republics. It defined the boundary line so as to give to the United States all of Alta California, New Mexico, and Texas, with provision for the free navigation of the Gulf of California and the Colorado River south of the line. Resident Mexicans were given the right of becoming American citizens or of leaving the territory without prejudice. One of the most important—though often overlooked—provisions of the treaty is found in Article XII, which, as finally amended, reads as follows:

> In consideration of the extension acquired in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

With the ratification and promulgation of the Treaty of Guadalupe Hidalgo was definitely accomplished the great object which President Polk had set before himself when he entered upon his administration,—an object quite evidently desired and contemplated by the United States for a considerable number of years. Alta California was no longer merely conquered territory in time of war but was thenceforth completely under American dominion, an integral and indisputable part of the territory of the United States.

CHAPTER XII

THE DONNER PARTY

In the entire drama of California's history, there is no scene that depicts more of anguish and dire distress, of loving care and unutterable tenderness—in short, more of the real pathos and tragedy of human life—than that of the Donner Party. In a letter to Mrs. Eliza P. Donner Houghton, a child member who has kept her vow to tell the story fully and clearly, from Doctor C. W. Chapman, chairman of the monument committee of the Native Sons of the Golden West, occurs this paragraph:

> The Donner Party has been selected by us as the most typical and as the most varied and comprehensive in its experiences of all the trains that made these wonderful journeys of thousands of miles, so unique in their daring, so brave, so worthy of the admiration of man.

Beginning with buoyant life and hope, the sad story of the Donner Party quickly shifts to utter despair and grewsome death.

In the early spring of 1846—a momentous year in the history of California—nearly two years before the great gold discovery, James F. Reed, a well-known resident of Springfield, Illinois, together with his friends, George and Jacob Donner, aroused intense interest among their neighbors by urging the formation of a company of emigrants to go direct from Sangamon County to California for the purpose of making new homes. They had heard of fine farming lands in that new country and had been reading glowing articles urging emigration thither, at the same time calling attention to the strife of companies from the south to make ready to join the "Great Overland Caravan," which was to leave Independence for Oregon in May.

As a result, the first emigrant train from Illinois—men, women, and children—prepared to join the Oregon caravan, continue with it to Fort Hall, and then branch off *via* Frémont's route into central California. There were Jacob Donner, his wife, and seven children; George Donner (Jacob's brother), his wife, and five children; James Reed, his wife, and four children; Mrs. Keyes, the mother of Mrs. Reed; together with their teamsters and camp assistants—a total of thirty-two persons.

The outfit of the company included seed and implements to be used in farming, bolts of cotton cloth, bright-colored handkerchiefs and flannels, beads, chains, earrings and other notions, for use among the Indians, and generous stores of laces, silks, and other fabrics that might be advantageously used in trade with the Mexicans or in the purchasing of farming lands. Most important of all were the large, strongly-con-

structed wagons, covered with tent-cloth stretched over the curved frames, and the necessary live stock. To illustrate the excellent character of the preparations made, it may be noted that a generous sum of money was stored away in concealed apartments, and in addition the sum of ten thousand dollars in cash "was stitched between the folds of a quilt for safe transportation."

> "My father started," wrote Virginia Reed Murphy, "with supplies enough to last us through the first winter in California, had we made the journey in the usual time of six months. . . . Certainly no family ever started across the plains with more provisions or a better outfit for the journey; and yet we reached California almost destitute and nearly out of clothing."

THE DONNER PARTY

(From Pictorial History of California.)

The day of the departure was April 15, 1846. Before the rosy dawn the members of the party were astir; and by early forenoon, after a leave-taking that quickly changed from merry-making to grave aspect, and even anguish, the courageous band had started forth on its fateful trip. The Mississippi was reached after a few days of travel across the pleasant Illinois prairie.

Independence was reached on the 11th of May, the wagons and cattle being in prime condition and the travelers in the best of spirits. Here the little party found numerous other emigrants bound for California. To lessen the danger of attack from Indians and for mutual

protection in other ways, as well as for the companionship afforded, many emigrants quite naturally combined into one large train of upwards of two hundred wagons, which was said to have been about two miles long when in motion. The formation of so large a train was really accidental, there being no preconcerted arrangement for bringing so many wagons together.

During early June all went well; there was rare sport for the huntsmen and the company "was kept bountifully supplied with choicest cuts of antelope, deer, and elk meat, also juicy buffalo steak." Mrs. George Donner, writing from a point near the junction of the North and South Platte on the 16th of the month, said:

> We are now four hundred and fifty miles from Independence. . . . I could never have believed we could have traveled so far with so little difficulty. The prairie between the Blue and the Platte rivers is beautiful beyond description. Never have I seen so varied a country, so suitable for cultivation.

The Fourth of July was celebrated in true patriotic style with national songs, reading the Declaration of Independence, and an address delivered by Colonel Russell.

A fortnight later the emigrants reached Fort Bridger, where leaders of the party made their first great mistake. At Little Sandy River, four distinct companies were found encamped, most of whose members were resting their cattle preparatory to setting out on the long and difficult drive known as "Greenwood's Cut-off." The leaders of the Donner Party, however, were led by an open letter written by Lansford W. Hastings and addressed "To all California Emigrants now on the Road," to consider a new route to California. Hastings urged the emigrants "to take a new and better route which he had explored from Fort Bridger, by way of the south end of Salt Lake," emphasizing the claim that this was about two hundred miles shorter than the route *via* Fort Hall.

After prolonged discussion and much deliberation, a party was formed to proceed by way of the supposed "Hastings Cut-off." The proposition seemed entirely feasible. George Donner was elected captain, and henceforth the company with which we are concerned was known as the Donner Party. It included all the "original Sangamon County folks" (except Mrs. Keyes and Hiram Miller), and, according to Mrs. Houghton, additional members as follows:

> Patrick Breen, wife, and seven children; Louis Keseberg, wife, and two children; Mrs. Lavina Murphy (a widow) and five children; William Eddy, wife, and two children; William Foster, wife, and child; William McCutchen, wife, and child; Mr. Wolfinger and wife; Patrick Doland, Charles Stanton, Samuel Shoemaker, —— Hardcoop, —— Spitzer, Joseph Reinhart, James Smith, Walter Herron, and Luke Halloran.

On July 20 all the companies broke camp.

> The Oregon division with a section for California took the right-hand trail for Fort Hall; and the Donner Party, the left-hand trail to Fort Bridger.

What a terrible risk was that!—leaving the old, clearly defined route, and confiding in the doubtful statements of a stranger! Plunging into a wilderness of almost inconceivable difficulties, confronted by obstacles well-nigh impossible to be surmounted, they toiled and battled their way forward, at times using ten yoke of oxen to draw a single wagon up the sides of a steep gulch. The amazing fortitude of that band of emigrants is worthy of our warmest admiration: nevertheless they were a month in reaching the south side of Salt Lake, instead of a week, as they had hoped—and the loss of precious time proved fatal.

On taking inventory it was found that the supplies were insufficient to carry them through to California. Therefore a call was made for volunteers to make all possible haste on horseback to procure fresh supplies at Sutter's Fort. Stanton and McCutchen promptly responded and were soon ready to undertake the delicate and perilous mission.

It was September 9 when the party left camp and entered upon the "dry drive."

> "After two days and two nights of continuous travel, over a waste of alkali and sand," continues Mrs. Houghton, "we were still surrounded as far as eye could see by a region of fearful desolation. The supply of feed for our cattle was gone, the water casks were empty, and a pitiless sun was turning its burning rays upon the glaring earth over which we still had to go."

The cruel mirage, which had seemed to reveal the shimmering waters of a lake, turned disappointment into anguish and despair.

> Then followed soul-trying hours. Oxen, footsore and weary, stumbled under their yokes. Women, heartsick and exhausted, could walk no farther. As a last resort, the men hung the water pails on their arms, unhooked the oxen from the wagons, and by persuasion and force, drove them onward, leaving the women and children to await their return.
>
> Thirty-six head of cattle were left on that desert, some dead, some lost. Among the lost were all Mr. Reed's herd, except an ox and a cow. His poor beasts had become frenzied in the night, as they were being driven toward water, and with the strength that comes with madness, had rushed away in the darkness.

It was obvious that the return to Fort Bridger was impossible; therefore there was no alternative but to proceed. On September 24, turning due north, tracks of wagon wheels were found, which at length put the emigrants on the road from Fort Hall. Fresh courage was inspired by the landmark and by the hope of an early return of Stanton and McCutchen.

It is painful here to record a deplorable tragedy. Elliott and Snyder, becoming involved in a quarrel because the latter was beating his oxen over the head, Reed remonstrated with Snyder, at which the latter took

offense, violently striking Reed a succession of blows with his heavy whipstock. Mrs. Reed rushed between the men just in time to receive a blow from Snyder's whipstock; then, quick as a flash, Reed's hunting knife was plunged into the aggressor, who fell, mortally wounded. A council being called to decide Reed's fate, it was decided to banish him from the train. With his gun and a few provisions, therefore, he set out for California, and each day thereafter his anxious wife and children looked for traces of him along the road, sometimes finding feathers of birds he had killed, now and then a brief note pinned to the brush. Mrs. Houghton continues:

> On the nineteenth of October, near the present site of Wadsworth, Nevada, we met Mr. Stanton returning from Sutter's Fort with two Indian herders driving seven mules, laden with flour and jerked beef. Their arrival was hailed with great joy, and after a brief consultation with my father, Stanton and his Indians continued toward the rear, in order to distribute first to those most in need of provisions, also that the pack animals might be the sooner set apart to the use of those whose teams had given out, or had been destroyed by Indians. Mr. Stanton had left Mr. McCutchen sick at Sutter's Fort.

Yielding to the importunities of George Donner, brave Stanton now consented to lead the party across the Sierra Nevada Mountains.

On the 22d of October they crossed the Truckee River "for the forty-ninth and last time in eighty miles;" and on the following morning got an early start, "expecting to cross the summit of the Sierras and reach California in less than two weeks."

But, sad to relate, the Donner Party had, in the meantime, made a second great mistake. Instead of pressing on with all haste along the wagon road over the summit, they had tarried for four days where the City of Reno now stands, for much-needed rest. That delay proved to be disastrous, for the storm king began to assert his mighty power. First, there was the dark and sullen cloud on the mountain crest and a chilliness in the air; then came the terrible news of snow from the head of the train. Filled with alarm, the emigrants pressed forward in the hope of reaching and crossing the summit; but the wrathful storm king stretched forth his icy hand and uttered the dread decree, "Thou shalt not pass!" In vain did each family strive to reach the summit. When it became obvious that the wagons could not be dragged through the snow, goods and provisions were quickly packed on oxen and yet another attempt was made, "men and women walking in the snow up to their waists, carrying their children in their arms and trying to drive their cattle."

In vain! Knowing well the dangers of the approaching night, the few who favored a forced march yielded to the many, and camp was made within three miles of the summit! How near, and yet so far!

> "That night," wrote Virginia Reed Murphy, many years afterward, "came the dreaded snow. Around the campfires under the trees great feathery flakes came whirling down. The air was so full of them

> that one could see objects only a few feet away. The Indians knew we were doomed, and one of them wrapped his blanket about him and stood all night under a tree. . . . In the morning the snow lay deep on mountain and valley. With heavy hearts we turned back to a cabin that had been built by the Murphy-Schallenberger party two years before. We built more cabins and prepared as best we could for the winter. That camp, which proved the camp of death to many in our company, was made on the shore of a lake, since known as 'Donner Lake.' The Donners were camped in Alder Creek Valley below the lake, and were, if possible, in a worse condition than ourselves. The snow came on so suddenly that they had no time to build cabins, but hastily put up brush sheds, covering them with pine boughs."

Grim winter, descending upon his mountain habitat almost a month earlier than was his wont, seized the unfortunate emigrants and held them fast in his icy grip. Then came the awful realization—they must prepare as best they might to spend the months till early spring should come as captives in the heart of the snowy mountains. There was no alternative. They therefore set about to construct rude cabins, to kill and dress the remaining cattle, and to chop needed supplies of wood.

It is not possible now for one in the midst of comforts and plenty to form even an approach to a just conception of the misery endured during that winter at Donner Lake. While it may be well that a veil be gently drawn over many of the harrowing details of the picture, a few entries from the diary of Patrick Breen will help to visualize and preserve something of the intimate record of an imperishable chapter in early California history.

> Friday Nov. 20th 1846 Came to this place on the 31st of last month . . . it snowed during the space of eight days with little intermission, after our arrival here, the remainder of time up to this day was clear & pleasant frezeing at night the snow nearly gone from the valleys.
>
> December 1st Tuesday Still snowing wind W snow about 5½ feet or 6 feet deep difficult to get wood no going from the house completely housed up looks as likely for snow as when it commenced, our cattle all killed but three or four them, the horses & Stantons mules gone & cattle suppose lost in the snow no hopes of finding them alive.
>
> Sunday 13th Snows faster than any previous day wind N; W Stanton & Graves with several others makeing preparations to cross the mountains on snow shoes, snow 8 feet deep on the level dull.
>
> Mond. 21 Milt. got back last night from Donor camp sad news. Jake Donno Sam Shoemaker Rinehart, & Smith are dead the rest of them in a low situation Snowed all night with a strong S-W wind to day cloudy wind continues but not snowing, thawing sun shineing dimly in hopes it will clear off.
>
> Friday 25th Began to snow yesterday about 12 o'clock snowd. all night & snows yet rapidly wind about E by N Great difficulty in getting wood John & Edwd. has to get I am not able offered our prayers to God this Cherimass morning The prospect is apalling but hope in God Amen.
>
> Thursday 31st Last of the year, may we with Gods help spend the comeing year better than the past which we purpose to do if Almight God will deliver us from our present dredful situation which is our prayer if the will of God sees it fiting for us Amen. morning fair

now cloudy wind E by S for three days past freezeing hard every night looks like another snow storm Snow Storms are dredful to us. . . .

Friday 8th Fine morning wind E froze hard last night very cold this morning Mrs. Reid & Company came back this morning could not find their way on the other side of the mountain they have nothing but hides to live on Martha is to stay here Milt. & Eliza going to Donos Mrs. Reed & the 2 boys going to their own shanty & Virginia prospects dull may God relieve us all from this difficulty if it is his Holy will Amen.

Wens. 13th Snowing fast wind N. W. snow higher than the shanty must be 13 feet deep dont know how to get wood this morning it is dredful to look at.

Tuesd 26 Cleared up yesterday to day fine & pleasant, wind S. in hopes we are done with snow storms, those that went to Suiters not yet returned provisions geting very scant people geting weak liveing on short allowances of hides.

Feb. Mond. 8th Fine clear morning wind S. W. froze hard last. Spitzer died last night about 3 o'clock so we will bury him in the snow Mrs. Eddy died on the night of the 7th

Frid. 19th Froze hard last night 7 men arrived from California yesterday evening with som provisions but left the greater part on the way today clear & warm for this region some of the men are gone today to Donos Camp will start back on Monday.

Frid 26th Marthas jaw swelled with the toothache; hungry times in camp, plenty hides but the folks will not eat them we eat them with a tolerable good appetite. Thanks be to Almighty God. Amen Mrs Murphy said here yesterday that thought she would commence on Milt. & eat him. I dont that she has done so yet, it is distressing The Donnos told the California folks that they commence to eat the dead people 4 days ago, if they did not succeed that day or next in finding their cattle then under ten or twelve feet of snow & did not know the spot or near it, I suppose they have done so ere this time.

Mond. March the 1st So fine & pleasant froze hard last night there has 10 men arrived this morning from Bear Valley with provisions we start in two or three days & cash our goods here there is amongst them some old they say the snow will be here until June.

It was a continuous battle against the gaunt, grim enemies threatening all with freezing and with starving. On December 16 a party of the imprisoned emigrants, known as "The Fifteen," started in desperation to break through the mountains and obtain help. After thirty-two days of indescribable horror, the seven survivors finally descended into the great valley and made their way to Johnson's ranch. One more glimpse of the terrific struggle against starvation must be presented. Let it be in the words of Mrs. Houghton, who, after referring tenderly to the death of Jacob Donner, Samuel Shoemaker, Joseph Rhinehart, and James Smith, tells us that Noah James rejoined their camp and set about helping John Baptiste to dig for the carcasses of the cattle, continuing thus with the narrative:

> It was weary work, for the snow was higher than the level of the guide marks, and at times they searched day after day and found no trace of hoof or horn. The little field mice that had crept into camp were caught then and used to ease the pangs of hunger. Also pieces of beef hide were cut into strips, singed, scraped, boiled to the con-

> stituency of glue and swallowed with an effort, for no degree of hunger could make the saltless, sticky substance palatable. Marrowless bones which had already been boiled and scraped, were now burned and eaten, even the bark and twigs of pine were chewed in the vain effort to soothe the gnawings which made one cry for bread and meat.

Referring to the "pitiful alternative" of utilizing the flesh of a companion who had passed into his last sleep or succumbing to delirium and death, it is thus recorded:

> Not one touched flesh of kindred body. Nor was there need of restraining hand, or warning voice to gauge the small quantity which safety described to break the fast of the starving. Death would have been preferable to that awful meal, had relentless fate not said: "Take, eat that ye may live. Eat, lest ye go mad and leave your work undone."

In the meantime the desperate plight of the emigrants at "Forlorn Hope" had been made known at Sutter's Fort, and from house to house sped the startling news,—"Men, women, and little children are snowbound in the Sierras, and starving to death!"

The alacrity and unselfishness with which men of every rank and station responded to the appeal for relief stands out as a tribute to the early pioneer. The alcalde of the town of San Francisco, the captain of the United States Navy, the governor-general of the province, and even Gen. M. G. Vallejo promptly and generously contributed to a relief fund.

The first authentic news of the actual situation had been received by Lieut. Edward M. Kern, who had been appointed by Frémont in charge of Fort Sacramento (Sutter's Fort). It was to Kern's swift and energetic activities, in a generous degree, that the first relief measures owed their effective organization. When the need for succor became known, he was the nearest man in authority, and everlasting gratitude is due him and those under his command for the rescue of the members of the party who were ultimately saved.

On the 19th of February, 1847, the starving emigrants were startled by shouts. The strongest, climbing to the top of the snow that was deep about the cabins, witnessed the "most welcome sight of their lives:" there approached the relief party of seven men, sent out by Captain Sutter, each man bearing a pack of provisions. Fresh courage was aroused in every breast.

Bitter indeed must have been the disappointment of the weary travelers when, on reaching the summit where a portion of the provisions had been tied in a tree, it was found that wild animals had reached the pack and devoured all the food!

Starvation and death seemed facing rescuers and rescued alike, when James Reed arrived with a second relief party. "Reed had returned in time to save some of the very men who had cast him out," and he was overjoyed to find his wife and two of the children, the other two, left at Donner Lake, being found a little later.

Those who had the most strength were formed into a return party, which included seventeen refugees, as follows: Patrick Breen, his wife, Margaret Breen, and children, Patrick Jr., Simon, James, Peter, and Isabella; Solomon Hook, Mary Donner, Isaac Donner, Mrs. Elizabeth Graves, Nancy Graves, Jonathan B. Graves, Franklin W. Graves Jr., Elizabeth Graves Jr., Martha J. Reed, and Thomas K. Reed. But so severe were the storms, so frightful the tortures of cold and deprivation, that progress seemed infinitely slow, and death by freezing imminent. And once again were they confronted with starvation, for it proved impossible to bring the company to the stock of provisions which Reed had left at Bear Valley. The women and children had to be left in "Starved Camp," while the men who were able pressed on, promising to return with food. In this supreme hour of trial Reed and his men did not fail. Relief came in time to save the forlorn group, with the loss of three.

And then the third relief party fought its way to the lake. George Donner, who had been the brave leader of the train, was found to be too weak and sick to travel. His devoted wife, while fully able to make the journey, steadfastly refused to leave her helpless husband; so with unutterable anguish in her mother heart, received the good-bye kisses of her little daughters. Truly has it been recorded, "The name of Mrs. George Donner must ever stand high on the heroic roll of those who willingly choose duty rather than life." Tenderly did she minister to her husband till the very hour of his death. When the fourth and last relief party arrived in the spring time, it was found that she too had passed into the great beyond.

The results of the disasters that befell the Donner party are thus epitomized by Mrs. Houghton, in her remarkable book:

> The total number of deaths was thirty-six, as follows: fourteen in the mountains while *en route* to the settlement; fourteen at camp near Donner Lake; and eight at Donner's Camp.
>
> The total number who reached the settlement was forty-five; of whom five were men, eight were women, and thirty-two were children.
>
> The family of James F. Reed and that of Patrick Breen survived in unbroken numbers. The only other family in which all the children reached the settlement was that of Captain George Donner.
>
> Fourteen of the eighty-one souls constituting the Donner Party were boys and girls between the ages of nineteen and twelve years; twenty-six ranged from twelve years to a year and a half; and seven were nursing babes. There were only thirty-four adults,—twenty-two men and twelve women.
>
> Of the first-named group, eleven survived the disaster. One youth died *en route* with the Forlorn Hope; one at the Lake Camp; and one at Bear Valley in charge of the First Relief.
>
> Twenty of the second-named group also reached the settlements. One died *en route* with the First Relief; two at Donner's Camp (in March, 1847); two at Starved Camp, in charge of the second Relief; and one at the Lake Camp (in March).
>
> Two of the seven babes lived, and five perished at the Lake Camp. They hungered and slowly perished after famine had dried the natural flow, and infant lips had drawn blood from maternal breasts.

PART II

The Memorable Struggle for Social Order

CHAPTER XIII

"EUREKA!" THE GREAT GOLD DISCOVERY

Immeasurably exceeding all other single events in far-flung significance in California's remarkable history since its occupation by men of the white race stands the gold discovery by James Wilson Marshall. Indeed, few events in modern times have more profoundly influenced the onflowing current of universal history. Marshall's discovery called into being an army of Argonauts the recounting of whose exploits constituted a great American epic and made California the Mecca of the bold and venturesome from all lands; it caused a great commonwealth to spring full-orbed into being, as from the brow of Jupiter; it decreed that the Empire State of the Pacific should cast the die that was to sound the death knell of human slavery throughout our fair land. The gold discovery in California by James Wilson Marshall stands unique in the annals of man.

It is a popular error, however, to assume that Marshall was the first discoverer of California gold. A chief quest of the Spanish *conquistadores* had from the beginning been gold and other treasure; and, while it seems almost incredible that our precious deposits could have escaped their eyes so long, it is now well authenticated that in the later Mexican régime, at least, the presence of gold in California was known and likewise that actual mining operations were engaged in to a limited extent.

As previously noted in this series, William Heath Davis, in his fascinating book, *Sixty Years in California,* is authority for the statement that the existence of gold in the Sacramento Valley was known long before the great discovery at Coloma. Mission Indians are reported to have brought it to the *padres* on different occasions, but they were cautioned not to divulge the secret lest it should cause a harmful immigration and otherwise bring them evil. Davis states that gold nuggets were shown him by at least two of the *padres.*

John Bidwell referred to a discovery by Baptiste Ruelle in the vicinity of Los Angeles in 1841: more complete and detailed accounts tell of the discovery by Francisco Lopez—for many years *major-domo* of Mission San Fernando—in the San Feliciano Cañon, some forty miles northwest from Los Angeles and eight miles westerly from the present site of Newhall. The precise date of Lopez's discovery has been a matter of considerable doubt and controversy, very frequently being ascribed to the year 1842; but James M. Guinn has given it as March 9, 1841. This

brief account is quoted from Don Abel Stearns, for years one of southern California's best known and most respected pioneers:

> Lopez with a companion while in search of some stray horses, about midday stopped under some trees and tied their horses to feed. While resting in the shade, Lopez with his sheath knife dug up some wild onions and in the dirt discovered a piece of gold. Searching further he found more. On his return to town he showed these pieces to his friends, who at once declared there must be a placer of gold there.

Following the news of the discovery, the first California gold rush began. While it was participated in by perhaps several hundred men, it did not acquire any great volume or momentum. After a visit to the gold fields Col. J. J. Warner wrote:

> The discoveries of gold placers in that year embraced the greater part of the country drained by the Santa Clara River from a point fifteen or twenty miles from the mouth to its source and easterly beyond them to Mount San Bernardino.

At a later date Stearns said in a letter:

> I find by referring to my old account books that Nov. 22d, 1842, I sent to Alfred Robinson, Esq., 20 oz. California weight of placer gold to be forwarded by him to the U. S. mint at Philadelphia for assay. The placer mines from which this gold was taken were first discovered by Francisco Lopez, a native of California, in the month of March, 1842.

Writing from San Pedro, where the ship *Admittance* was taking cargo, June 30, 1843, William H. Thomes said:

> Here we also received ten iron flasks of gold dust, although where it came from no one knew, but it was reported that the merchants of the Pueblo Los Angeles traded for it with the Indians and the latter would not reveal the source whence it came.

On March 2, 1844, Don Manuel Castanares, deputy for California to the Congress of Mexico, reported to his government that placers in the vicinity of Los Angeles had produced, previous to December, 1843, 2,000 ounces of gold dust, the most of which had been sent to the mint of the United States. In reality there is little authentic information as to the yield of the southern placers. The Mexican government made no attempt to collect complete statistics nor to enact any system of mining laws. William Heath Davis estimated that from $80,000 to $100,000 was taken out in a period of two years, though this estimate is now generally regarded as being excessive.

Admitting the authenticity of these early discoveries, however, and the fact that not a few persons did know of the presence of some gold in California, and paying just tribute to the first discoverers, it still remains true that it was Marshall's discovery that startled the race and focused the eyes of the world on the new El Dorado. The discoveries preceding 1848 were premature—"a match struck in the dark"—without permanent or appreciable influence in the main current of events. It was reserved for men of another race and another allegiance to make the mighty discovery that inaugurated the Days of '49, that speeded the great westward

expansion, that brought the Atlantic into quick touch with the Pacific, and eventually opened the farthermost Occident.

The culmination of California history is not to be found in the early days of Spanish exploration, revealing as they do the true vikings of the Pacific; it is not in the founding of the Franciscan missions, albeit they constituted significant outposts on the frontiers of western civilization; nor yet is it in the carefree Mexican days of the Arcadian age, days of simple childhood whose memory we cherish but to which we desire no return.

The Days of '49 are a fitting culmination of all that went before in California history, furnishing in turn an inspiring vantage ground and prophecy of what has since been and is yet to be. True it is that every period in the growth of our loved commonwealth throbs with human interest, every phase of her remarkable development possesses its peculiar charm: yet the natural focus in the unfolding panorama of her history is found in

The Days of old,
The Days of gold,
The Days of '49.

The honor of the great gold discovery in California has been settled by virtually common consent upon James Wilson Marshall. Nevertheless all efforts to make Marshall a personally great man have failed, for nature seems to have failed to endow him with the distinctive qualities of real greatness. California gold was found by a man of very ordinary clay.

This young soldier of fortune, a native of New Jersey, equipped with a fair education, his flint-rock rifle, and the wheelwright's trade, bade his parents and sisters good-bye and started west. After checkered experiences in Indiana and Illinois, he located a homestead in the Platte Purchase, near Fort Leavenworth, and undertook farming. For several years he was sorely afflicted with fever and ague. At length he decided to join an emigrant train for California, which left Platte Purchase May 1, 1844, over a hundred wagons strong. The route had been explored by Captain Frémont; but because of the severe winter of 1844-45, the emigrants were obliged to winter at Fort Hall. The party separating early in 1845, Marshall and about forty companions then decided to go to Oregon, without wagons. After reaching the Willamette, Marshall joined a band of adventurers en route for California. At Cache Creek, about forty miles north of Sutter's Fort, the party broke up, Marshall and some others proceeding to the fort, where they arrived early in July, 1845. "He was dressed entirely in buckskin," we are told, "like the plainsmen and trappers of that day, their clothing being made of deer, antelope, and beaver skins."

He found ready employment at the hand of Captain Sutter and was able in a comparatively short time to purchase two leagues of land bordering Little Butte Creek, where he began farming and stock raising. In the summer of 1846, after having rendered assistance in driving back the

hostile Mokelumne Indians, he joined the Bear Flag party, and later enlisted in the California Battalion under Frémont, continuing in service until the completion of the American conquest.

After an absence of almost a year, Marshall returned to Sutter's Fort "barefooted and in a very sorry plight." On visiting his ranch, he discovered that nearly all his stock had strayed away or had been stolen: having received no compensation for his war services, he was virtually penniless. He was glad to find employment again with Captain Sutter.

SUTTER'S MILL, COLOMA

(From Pictorial History of California.)

The rapid influx of immigrants greatly increased the demand for lumber. Quickly recognizing the situation, Captain Sutter sent out an exploring party with instructions to search for good timber which should be accessible by virtue of favorable location and convenient water power. In charge of this party was Marshall, with whom Sutter had entered into partnership for the purpose of building a saw mill. Sutter was to furnish the necessary capital, and Marshall was to select the site and run the mill, receiving one-fourth of the lumber as compensation. A favorable spot was finally located on the south fork of the American River, which the Indians called *Culloomah*. This spot was located in a small valley of about 1,500 feet elevation, some forty-five miles northeast of Sutter's Fort, and accessible by wagon. The following were named as the persons com-

posing the party at the saw mill: "James W. Marshall, Peter L. Wimmer, his wife, Elizabeth Jane Wimmer, their two young sons, John and Martin Wimmer, Charles Bennett, William Scott and six young Mormons recently discharged from the United States Mormon Battalion. There were also ten Indians on the place, who were hired to help the men."

The mill being practically completed, some lumber was cut in January, 1848. It was found that the tail race was not deep enough to convey the volume of water from the wheel. To remedy this, water was turned into the race by means of a wing-dam from the nearby river, and allowed to run each night to deepen the bed and cut away the margins of the race.

Fortunately, we have Marshall's own account of what happened, and we shall let him tell his own story, beginning with his discovery of the location:

> You may be sure Mr. Sutter was pleased when I reported my success. . . . In August, everything being ready, we freighted two wagons with tools and provisions, and accompanied by six men I left the fort, and after a good deal of difficulty reached this place one beautiful afternoon and formed our camp on yon little rise of ground right above the town.
>
> Our first business was to put up log houses, as we intended remaining here all winter. . . . We then cut timber and fell to work hewing it for the framework of the mill. The Indians gathered about us in great numbers. I employed about forty of them to assist us with the dam, which we put up in a kind of way in about four weeks. In digging the foundation of the mill we cut some distance into the soft granite; we opened the fore bay and then I left the fort. . . .
>
> I returned in a few days, and found everything favorable, all the men being at work in the ditch. When the channel was opened it was my custom every evening to raise the gate and let the water wash out as much sand and gravel through the night as possible; and in the morning, while the men were getting breakfast, I would walk down, and, shutting off the water, look along the race and see what was to be done. . . .
>
> One morning in January—it was a clear, cold morning—as I was taking my usual walk along the race after shutting off the water, my eye was caught with the glimpse of something shining in the bottom of the ditch. There was about a foot of water running then. I reached my hand down and picked it up; it made my heart thump, for I was certain it was gold. The piece was about half the size and of the shape of a pea. After taking it out I sat down and began to think right hard. I thought it was gold, and yet it did not seem to be of the right color; all the gold coin I had seen was of a reddish tinge; this looked more like brass. I recalled to mind all the metals I had ever seen or heard of, but I could find none that resembled this. Suddenly the idea flashed across my mind that it might be iron pyrites. I trembled to think of it! . . . Putting one of the pieces on a hard river stone, I took another and commenced hammering it. It was soft and didn't break; it therefore must be gold, but largely mixed with some other metal, and very likely silver; for pure gold, I thought, would certainly have a brighter color.
>
> When I returned to our cabin for breakfast I showed the two pieces to my men. They were all a good deal excited, and had they not thought that the gold only existed in small quantities they would have

> abandoned everything and left me to finish my job alone. However, to satisfy them, I told them that as soon as we had the mill finished we would devote a week or two to gold hunting and see what we could make out of it.
>
> While we were working in the race after this discovery we always kept a sharp lookout, and in the course of three or four days we had picked up about three ounces—our work still progressing as lively as ever, for none of us imagined at that time that the whole country was sowed with gold. [Century, Vol. XLI.]

Philip B. Bekeart, a native of Coloma, to whom we are indebted for a most thorough study of the actual discovery, states that Marshall had observed some "yellow specks" on the evening preceding the great find and had remarked to some of the men that "he thought he had found a gold mine." Bekeart continues:

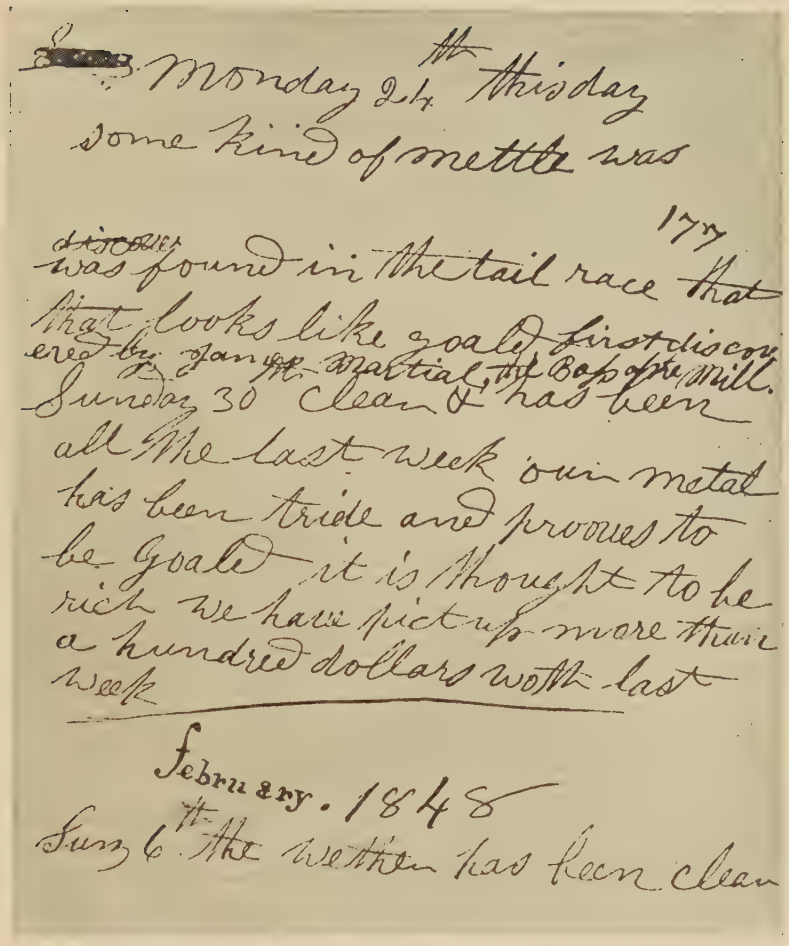
> On the morning of January 24, 1848, he threw the wheel out of gear, shut off the water, and had the bottom of the gate packed with grass and dirt. He then dropped into the race to see what progress had been made, and particularly to closely examine the yellow specks he had observed the evening before. Marshall was alone at the time. Nearer the lower end of the race, about one hundred and fifty feet below the sawmill, on a rock about six inches under the water, he picked up a flake of yellow metal—the historic first piece of gold. It was thin, and shaped like a small melon seed, and like all river gold was worn smooth. He picked up a few more flakes, and took the first and largest piece and bit it. Hammering it on a flat rock with a stone, he found it malleable, and was satisfied that he had found gold.

The exact date of Marshall's discovery has been the subject of considerable dispute, largely, no doubt, because of the discrepancy between his own statement of later years and other records. Marshall himself, depending upon his memory, published a letter in 1856, in which he stated he had found gold at Coloma "about the 19th" of January; and at a still later date he gave that day as the precise date; but the weight of evidence points to the conclusion that his recollection must have been somewhat vague, and indicates that the discovery took place five days later. It is an entry for Monday, January 24, 1848, in the diary of Henry W. Bigler, one of the laborers at the mill—which diary was in 1885 brought to light through the research of John S. Hittell—that has established beyond much doubt the exact date. Bigler's entry is as follows:

> This day some kind of mettle was found in the tailrace that looks like goald, first discovered by James Martial, the Boss of the Mill.

Extracts from the diary of Azariah Smith, another workman, give a contemporary account that strongly corroborates the Bigler entry. It may be added that some persons, including John Bidwell, held that the date could never be absolutely established within a few days.

It is interesting to note that Bigler himself was the first man to find gold in the vicinity, outside the tailrace, shortly after Marshall's discovery. Being charged with the duty of providing the camp with fresh venison, his keen eye detected particles of the shining metal along the river banks



Monday 24th this day
some kind of mettle was
was found in the tail race that
that looks like goald first discovered by James Marshall, at Coloma Mill.
Sunday 30 Clear & has been
all the last week our metal
has been stride and proves to
be Goald it is thought to be
rich we have picted more than
a hundred dollars worth last
week

February. 1848
Sun 6th the weather has been clear

BIGLER RECORDS THE DISCOVERY OF GOLD
(From Pictorial History of California.)

while he was out on his hunting expeditions. In a letter to the San Francisco *Bulletin,* published January 2, 1871, Bigler says:

> And there sure enough, in the top of his hat crown was the pure metal—how much I do not know, probably an ounce. One of our company [Mormon Battalion] by the name of Azariah Smith, pulled out a five-dollar piece and compared the coin with the particles. There was a difference in looks, but this was accounted for on account of the alloy in the coin.

This first gold in Marshall's hat was described in Bigler's letter to H. H. Bancroft dated July 5, 1872, as being

> from the smallest particles up to the size of a kernel of wheat or larger. Most of it was very thin flakes. The coarse was more round and in little cubes—an fact all sizes and shapes.

Sutter was surprised when, late at night, and in a heavy rain, four days after the memorable discovery, he was aroused by the arrival at the fort of Marshall, who asked to see him alone. Being convinced that they would not be disturbed, it is said, Marshall drew a pouch, or a rag, from his pocket and emptied perhaps two ounces of the precious grains upon the table. The pieces of yellow metal thus exhibited varied in sizes, of which a grain of wheat would be the average. There were not real nuggets—the gold was flakes and dust. At first incredulous, Sutter subjected the metal to a crude chemical test and was convinced it was indeed gold. His diary bears this significant record:

> January 28th, 1848. Marshall arrived in the evening, it was raining very heavy, but he told me that he came on important business, after we was alone in a private room he showed me the first Specimens of Gold, that is he was not certain if it was Gold or not, but he thought it might be; immediately I made the proof and found that it was Gold. I told him even that most of all is 23 Carat Gold; he wished that I should come up with him immediately, but I told him that I have to give first my orders to the people in all my factories and shops.
>
> February 1th. Left for the Sawmill attended by a Baquero (Olimpio) was absent 2d, 3d, 4th & 5th. I examined myself everything and picked up a few Specimens of Gold myself in the tail race of the Sawmill, this Gold and others which Marshall and some of the other laborers gave to me (it was found while in my employ and Wages) I told them I would a Ring got made of it so soon as a Goldsmith would be here. I had a talk with my employed people all at the Sawmill, I told them that as they do know now that this Metal is Gold I wish that they would do me the great favor and keep it secret only 6 weeks, because my large Flour Mill at Brighton would have been operation in such a time, which undertaking would have been a fortune to me, and unfortunately the people would not keep it secret, and so I lost on this Mill at the lowest Calculation about $25,000.

In his entry for March 7th Sutter states that the first party of "Marmons," in his employ, "left for washing and digging Gold and very soon all followed, and left me only the sick and the lame behind." He complains that everybody left him, "from the Clerk to the Cook," which played havoc in every branch of his business. Quoting further:

> . . . I began to harvest my wheat, while others was digging and washing Gold, but even the Indians could not be keeped longer at Work, they was impatient to run to the mines, and other Indians had informed them of the Gold and of its value; and so I had to leave more as ⅔ of my harvest in the fields.

Regarding the first flake of gold, often mistakenly referred to as a nugget, Bekeart is authority for the following paragraph:

> The first flake of gold which Marshall found and hammered between rocks, and then had beaten flat on an anvil by Bennett, is now in the Smithsonian Institute at Washington. This information was given me by my father Jules Francois Bekeart, to whom it was told by Captain Sutter on April 6, 1849. This flake, accompanied by a letter dated August 23, 1848, sent back by Captain Joseph L. Folsom, then quartermaster at San Francisco, was thought to be lost until I remembered my father's account of his conversation with Sutter; at my request, it was photographed, measured, weighed and examined March 1, 1915, by the Smithsonian Institution authorities, and found to have some white particles in it, possibly from the rocks that Marshall used. There are also some minute black spots attached to this flake, evidently iron or manganese oxide, possibly from the anvil.

The same authority is therefore emphatic in his denial that the so-called "Wimmer nugget" is Marshall's first gold: this is said to have been found by Marshall at Kelsey Dry Diggings in the autumn of 1848.

It was the wish of Sutter and Marshall that the big find should be kept a profound secret; and just how the news first began to spread may never surely be known. For several weeks few outside the immediate circle possessed any accurate knowledge of the great event.

The site of the old mill at Coloma, which had been literally torn to pieces and carted away piecemeal by the miners, was definitely established during the summer of 1924, when the American River was unusually low on account of the dry season. The spot has been fittingly marked by the Society of California Pioneers, because of the activity of Mr. Bekeart. The monument is constructed of rock and concrete, firmly built upon the bed rock, and standing a silent witness, in the south fork of the American River.

Not long after the discovery, Sam Brannan, who owned a store in San Francisco, rode down from Sutter's Fort with dust and nuggets from the gold fields. As he strode down the city street he shouted, "Gold! Gold! Gold from the American River!" swinging his hat with one hand and in the other displaying a bottle well stored with gold dust. This was the occasion for an immediate crowd; and the effect of this and similar episodes was electric in bringing about the memorable stampede for the mines. With the actual receipt of parcels of the precious metal, the arrival of visitors from the placers, and some real diggers with the golden grains in their possession, the historic scramble was on.

> "In consequence of such representations," continues the narrative in the *Annals of San Francisco,* "the inhabitants began gradually, in bands and singly, to desert their previous occupations, and betake themselves to the American River and other auriferous parts of the great Sacra-

> mento valley. Labor, from the deficiency of hands, rose rapidly in value, and soon all business and work, except the most urgent, was forced to be stopped. Seamen deserted from their ships in the bay, and soldiers from the barracks. Over all the country the excitement was the same. Neither threats, punishments, nor money could keep the men to their most solemn engagements. Gold was the irresistible magnet that drew human souls to the place where it lay, rudely snapping asunder the feebler ties of affection and duty. Avarice and the overweening desire to be suddenly rich, from whence sprang the hope and moral certainty of being so, grew into a disease and the infection spread on all sides, and led to general migration of every class of the community to the gold quarters. The daily laborer who had worked for the good and at the command of another, for one or two dollars a day, could not be restrained from flying to the happy spot where he could earn six or ten times the amount, and might possibly gain a hundred or even a thousand times the sum in one lucky day's chance. Then the life, at worst promised to be one continual adventure and excitement, and the miner was his own master. While this was the case with the common laborer, his employer, wanting his services, suddenly found his occupation at an end; while the shopkeepers and the like, dependent on both, discovered themselves in the same predicament."

The news had leaped across the continent, and even the sea was no barrier—within a few months it had found its way to every quarter of the globe. And as it traveled it grew. A later writer illustrated the propensity for exaggeration in these words:

> A grain of gold taken from the mine became a pennyweight at Panama, an ounce in New York and Boston, and a pound nugget at London.

CHAPTER XIV

THE ARGONAUTS OF '49

Of all the memory pictures from the great album of California history none will outlive the Days of '49. Not even the myth of the golden fleece placed by Aetes in the consecrated grove under the care of a sleepless dragon will survive in story the epic of those modern Argonauts whose history, while adding its unique contribution to universal civilization, in a peculiar sense belongs to California alone.

> "The California year of 1849; what was it?" asks Hubert Howe Bancroft. "An exclamation point in the history of civilization, a dash in the annals of time. This 12 month was not so much a year as an age, not so much an episode as an era. . . . Other years have been repeated, and will be many times; this one, never. Throughout the records of the race, from first to last, there will never be reproduced on this planet the California flush times drama. It stands out in the experiences of men unique and individual, each swift day of it equal to many another year."

Marshall's discovery occurred scarcely before the signing of the treaty of Guadalupe Hidalgo and a few months previous to the actual proclaiming of peace between the United States and Mexico. Nevertheless it is safe to say that by the first of June, 1848, there were as many as 2,000 men mining for gold in California, and that within a single month this number was doubled.

The thousands of gold hunters of the summer of '48, however, constituted but a portion of the vanguard of the great host of Argonauts who came hither during the ever-memorable year of '49. At the beginning of the year there were in California, exclusive of Indians, perhaps 26,000 persons, about equally divided between Hispanic-Californians on the one hand and Americans and other foreigners on the other. Before mid-summer the number was easily 50,000; and by the end of the year there were probably 115,000 white persons within the borders of the incipient state, although the imperfect census showed but 92,597. Of these some 80,000, or possibly four-fifths of the whole, were American immigrants of the twelve-months period. Of the entire working population, probably seventy-five per cent were directly engaged in some branch of the mining industry. Among the 20,000 foreign immigrants in California were to be found representatives from every quarter of the globe. Considerable numbers were from Mexico, Great Britain, Germany, France, and Spain; lesser numbers from Chile and Peru and the Sandwich Islands; few peoples of earth were wholly unrepresented.

San Francisco, a village of 812 in March, 1848, grew to 2,000 by the following February; and in July, 1849, it contained upwards of 5,000 souls. By the mid-fifties it had become a city of 50,000, including about 8,000 women. The City by the Golden Gate became the great vortex of a heterogeneous population—a human maelstrom into which flowed a ceaseless tide from the four corners of the earth.

It would be a serious mistake to suppose that all of those hosts of the Argonauts came to California over a well-beaten trail or by any single route. Many were the roads, still more numerous the means of conveyance, leading to the new land of El Dorado, and all were beset with numerous difficulties. Many immigrants came down from Oregon; many others made their way up from Mexico; numbers came by way of the Sandwich Islands. Nevertheless, the overwhelming majority of Americans who reached California selected one or another of three main routes from "the States," namely—"Around the Horn," "By way of the Isthmus," and "Across the Plains."

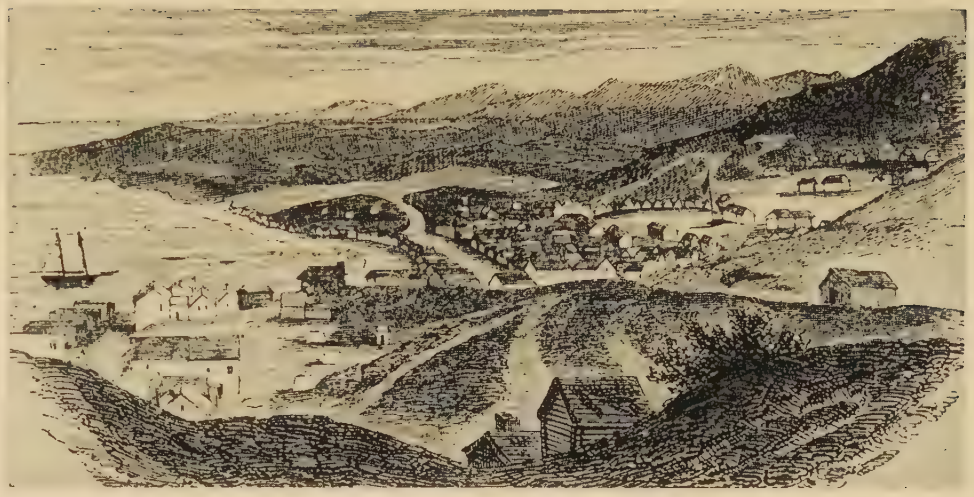
The route around the Horn was quite generally, though by no means universally, preferred by the sturdy young men of New England and the Middle States along the Atlantic, for whom the sea ordinarily had no terrors. The first vessel having on board an organized company of gold-seekers from Boston was the *Edward Everett.* The trip to San Francisco required six and sometimes nine months, and was naturally fraught with much peril, particularly since no steamers were making the run for months after the gold discovery, thus rendering it necessary during the early part of the gold rush to place chief reliance in sailing vessels, usually of very light tonnage.

The mixed cargo of a California bound vessel may be illustrated by that of the *Tigress,* loaded in 1850. Being in ignorance of the probable actual demand on arrival, the passengers brought together a cargo "on a shot-gun theory," having purchased small quantities of all manner of things. We may well understand how a market was now found for old odds and ends that had been accumulating in the stores and how the cargo constituted "a veritable floating department store."

Referring to the food supply on shipboard, Mr. Octavius Howe informs us:

> They had dandy funk, made of hard bread boiled with molasses, raisins, and cinnamon; apple grunt, made by stewing dried apples and dough balls; lobscouse, made by hashing and heating meat and bread; plum duff; and mackerel, salt fish, beef, pork, ham, and flour biscuit, with butter twice a week. A barrel of hard tack stood where each could help himself.

With banjo and fiddle, song and dance, and varied games, there was little lack of amusement while on shipboard; while on land—as at Rio or Callao—there were the bullfights, cockfights, donkey rides, and far-famed fandangoes.



SAN FRANCISCO, WINTER OF 1848

Great American anniversaries were celebrated on board in a patriotic manner. The *Rising Sun,* rounding Cape Horn on the Fourth of July, celebrated by the blowing of horns, martial music, reading the Declaration of Independence, speech making, toasts, and—not least—"a dinner of roast geese, plum pudding and mince pie." Washington's Birthday was sometimes celebrated in grand style. Thanksgiving dinner was an event not to be forgotten. The menu on board the *San Francisco* is perhaps typical for the more favored:

> We had a dinner, roast pork with apple sauce, beef pie, plum duff, oranges, lemons, figs and nuts. Then we had shooting matches and a general good time.

For this vessel Howe gives a recapitulation for the trip, as follows:

> Left Beverly August 15th. Crossed the equator Sept. 26th, 42 days. Passed the Lat. of Rio, Oct. 7th, 53 days. Off Montevideo, Oct. 14th. In 71 days, 9 hours, made Straten Island, passed Cape Horn and Island of Diego Ramirez, 76 days from Beverly. Nov. 30th passed the latitude of Cape Horn on the Pacific side.
>
> Now as we lay off Monterey,
> The Boys began to frisk—O!
> And some did swear, if the wind was fair,
> We'd soon be at Francisco.
>
> But you see the wind wasn't fair, anything but fair, and we lay hanging about among great waves as big as a flour barrel, under close reefed topsails and the rain pouring down on our oil jackets. . . . At daylight January 11 land in sight and a number of vessels in company. At sunset entered the narrows of San Francisco Bay with a dozen or more vessels and anchored, 140 days from Beverly.

The actual passage around Cape Horn was almost always disagreeable and dangerous. It might be accomplished by a clipper ship in a few days, or it might require weeks, or even months, according to conditions obtaining.

Because of strong currents and frequent dense fogs, vessels were not to be regarded as safe until actually anchored in the harbor. It is recorded that at least five clipper ships were lost after having successfully made the voyage to points actually within sight of San Francisco.

Emigrants from the South Atlantic and Gulf states generally selected the Panamá route, that is by way of the Isthmus, to California, often with variations; but this route was likewise chosen by considerable numbers from New England, as is illustrated by the fact that eleven organized companies from Massachusetts alone purchased their tickets *via* Panamá Suitable equipment consisted in clothing and personal effect, amounting to seventy-five pounds, enclosed in a watertight rubber bag. Other useful articles were carbine, camp outfit, and a small chest of medicine.

Under favorable conditions this was "the shortest and quickest route from the East to California." From New York to Chagres the distance was 2,500 miles; from Chagres to Panamá, 60 miles; from Panamá to San Francisco, 3,500 miles.

But conditions were almost never wholly favorable. The trip was always of dubious character; and often the passengers were crowded into the steerage with hogs, goats, and cattle. More serious than this was the uncertainty whether the boats would make any sort of connection at Panamá. The delay on the Isthmus usually lasted several weeks, and sometimes it stretched into months. In explanation of this delay, it may be said that with the early rush to carry passengers there were many more available vessels along the Atlantic than on the Pacific Coast. Malarial fever was very prevalent, as was inevitable under the insanitary conditions of that tropical region; and many were the victims of cholera, dysentery and yellow fever; hundreds returned to their homes in despair. One passenger, who had evidently lost all enthusiasm for the Panamá route, in a letter gives this advice:

> I have no time to give reasons, but in saying it I utter the united sentiment of every passenger whom I have heard speak, it is this, and I say it in fear of God and love of man, to one and all, for no consideration come this route. I have nothing to say of the other routes, but do not take this.

Having reached Panamá, however, the bold American gold hunter was not easily swerved from his purpose to see it through. His spirit was exemplified by the man—for many years a respected citizen of our commonwealth—who, lying desperately sick of the fever, received his partner's generous offer to take him back to New York. Note his reply: "If I can live to get back to New York, I can get to San Francisco:—we're going to California!"

In spite of all drawbacks, the delay on the Isthmus was full of interest for the travelers whose health was good and whose credit was not exhausted. Most of them were men of youthful vigor and adventurous spirit. From Chagres to Panamá, a distance of sixty miles, the element of romance abounded. This experience proved to be among the most interesting and novel in the entire career of many a pioneer.

First came the journey up the Chagres River to Gatun, a distance of about twelve miles, the long canoes being poled and paddled by native boatmen characterized by an irritating species of leisurely independence.

> "The boatmen sang," to use Stewart Edward White's word picture, "the tropic forests came down to the banks with their lilies, shrubs, mangoes, sycamores, palms; their crimson, purple, and yellow blossoms; their bananas with torn leaves; their butterflies and paroquets; their streamers and vines and scarlet flowers. It was like a vision of fairyland."

Thousands of passengers were no doubt impressed as was Albert D. Richardson, author of that fascinating old book, *Beyond the Mississippi,* who thus wrote:

> As a whole, the isthmus is a vast jungle of trees, cane brakes, and parasites, gay with gorgeous flowers and birds of brilliant plumage, rich with the cocoanut, and sometimes dazzling with the brightness of the orange.

> Monkeys and parrots chatter on the branches; wild beasts hide in the dingles; insects swarm in the swamps; huge reptiles drag their slow lengths along the oozy soil, darkened by thick foliage which shuts out the light of the rich tropical heavens. From branches sixty feet high vines hang down like ropes, mingling on the earth in mazes and labyrinths, and climbing and winding up the huge trunks.
>
> Here are rarest combinations of color and form—wild palms with leaves eighteen inches long yet only a finger's width; immense groves of cultivated palms heavy with fruit; countless bananas upon which the natives subsist; pulpy stalks, with leaves, the thickness and texture of lily-pads, but sword-shaped, and ten or twelve feet in height; birds of white, black and yellow; flowers of white, orange, crimson and scarlet, blazing out from the convolutions and tangles of greenness. All is profusion, luxury, gorgeousness. Every prospect pleases, and only man is vile.

A difficult ride on mules brought the travelers to Cruces, which was usually the end of the river journey. This ride, only about six miles, seemed interminable. When at last Panamá was reached, the worst troubles were likely to begin. Even if the irksome delay was successfully survived, there remained the long and hazardous voyage to San Francisco. This was often devoid of all real comfort. The vessels were badly overcrowded, the food and drinking water vile, sleeping accommodations wretched. One of the passengers of the *Humboldt*, a ship of 500 tons, with 400 persons on board, has given us this picture:

> Probably there is no prison in the United States where we could have found so little real comfort as we experienced on that ship. We were packed more densely, had less accommodation for sleeping, and were served with infinitely viler food and water than the inmates of the worst jail in our land; in fact we had for associates many who deserved to be within prison walls. At first discontent and quarreling prevailed, but in a few days all accepted the situation with resignation or indifference. . . . Forty-eight days were passed on this prison ship, and our rotten and wormy provisions and our intolerably nasty water were almost exhausted when we entered the beautiful harbor of Acapulco, July 7, 1849.

Tickets from Panamá to San Francisco were nominally $350 for first cabin, and $300 for second, though prices varied considerably. Fortunate were those whose exchequer could stand the pressure and leave even a small balance intact on arrival at the Golden Gate.

By what may have been termed a fortuitous circumstance the Pacific Mail Steamship Company had been organized in April, 1848, "under a contract with the United States Government to carry mail twice a month from Panamá to San Francisco."

Gradually steam navigation began first to supplement the sailing vessel, then to supersede it; but for some time the main reliance for passenger service was in the handsome clipper-ships of that day.

A note from the New Orleans *Picayune* (December 19, 1848) will assist in visualizing the departure of a pioneer steamer laden with seekers for the golden fleece:

CLIPPER SHIP "GLORY OF THE SEAS"

> The noble steamship Falcon, Captain Thompson, left her berth at Lafayette, a little after 5 o'clock last evening, and passed down the river in splendid style, bearing away with her on her trip to Chagres General P. F. Smith and several other officers, in all over 200 passengers, bound for the wilds of California, and reveling in golden visions, which they expect to realize in that distant region. The Falcon being the pioneer steamer in the route to Chagres, her departure created considerable interest, and a crowd of from 300 to 500 people thronged her wharf until the last plank was hauled in and she swung into the stream. A large portion of the crowd came to bid good-bye to friends who were to leave, and the rest were drawn thither partly by curiosity and partly to give an encouraging cheer to the adventurers. The scene on board just before the steamer left the wharf was one of much interest, and a striking commentary on the enterprise and impetuosity of American character. California was talked of as though it was but a day's sail from the Balize; and from the manner in which friends parted one would have supposed that they expected to meet again in a week at furthest. We could not but remark that the passengers almost to a man seemed to be of the better classes in society, and in circumstances which would by no means drive them to start on a desperate adventure. All seemed full of hope and anxious to be on their way, and on looking at them we felt assured that with such inhabitants California must go ahead.

Numbers of argonauts, quite small in comparison to those traveling by way of Panamá, selected the route farther north, across the Isthmus of Nicaragua, while still others usually chose a Mexican route, under the influence of army officers.

The sailing time, New Orleans to Vera Cruz, was eighteen days; the horseback trip to Mexico City, 280 miles, consumed nine days; Mexico to Mazatlan, 900 miles, twenty days; sailing time to San Francisco, thirty-five days—total from New York, four months. But even four months proved theoretical: an astute remark thus expresses the feeling growing out of actual experience—"All routes were the quickest when the company started, but apt to be the slowest when they arrived." Any route through Mexico, with uncertain food supply consisting of "locomotive biscuit and mahogany bread," with exasperating delays because of some revolutionary wave and frequent affrays with unfriendly Mexicans, was likely to prove unfortunate if not disastrous—a situation not in the least improved by the contemptuous behavior of many American adventurers.

It remains to speak of that stream of immigrants that poured into California overland through the western expanses of the United States. The covered wagon has gained immortal fame; the "prairie schooner" even more truly than the clipper ship or pioneer steamer, symbolizes the great westward movement of the Anglo-Saxon race, the winning of continental boundaries for the United States.

The great majority of those who came across the plains were hardy Western pioneers. Those who had come as far as the Mississippi or the Missouri in families or small groups found it highly expedient to combine into larger parties, or trains, for mutual protection and help before setting out over the vast western prairies. Fortunately the principal

routes were well known before the gold rush, and valuable precedents served the winding caravans well.

The Santa Fé trail, opened as early as 1823, ran from Westport (Kansas City) to Santa Fé, a distance of about 775 miles. This had become in fact a network of trails so worked out as to afford a dependable water supply at regular intervals. Early caravans consisted of from 75 to 200 animals, and traveled about fifteen miles per day. With the introduction of the "prairie schooner" seventeen to eighteen miles were covered, the average caravan numbering twenty-six wagons, each drawn by five yoke of oxen or five span of mules. Each wagon carried a load of from 5,000 to 7,000 pounds of freight. Such was the volume of traffic on this trail that in the year of the American conquest of California (1846) 375 wagons, 1,700 mules, 2,000 oxen, and 500 men were employed.

In 1830 an extension of the Santa Fé trail was established by William Wolfskill. The route of this, known as the Old Spanish trail, was northwest to Green River, thence across the Wasatch Mountains to Sevier River and down Virgin River, entering California by way of Tehachapi and Cajon passes.

Two routes beyond Santa Fé, taken by some of the '49 adventurers, were a southern and a northern route. The southern route passed over the Sierra de los Membros Mountains to the headwaters of the Gila, following that river to the Colorado, then piercing the desert into southern California; the northern route was by the South Pass of the Rocky Mountains.

The character of the southern route may be inferred from the impression made upon a Bostonian, who used these words in writing home:

> A man who has traveled the Gila route may throw himself on his knees and thank God for preserving him on it. The Gila route is unfit to be traveled and suffering inevitably awaits all who undertake it.

The favorite of all the routes was that by the South Pass, as is shown by the fact that approximately as many gold hunters entered California in '49 by this route as by all others combined.

The start from Independence, Missouri, the eastern terminus, could not be made with impunity before the first of May; nevertheless, a fortnight previous to this date in '49 about 3,000 eager men were encamped near the town, "waiting for the grass to grow." The typical wagon was heavy and stoutly built, covered with canvas, or drilling, stretched on hickory bows, and was drawn by ten or twelve oxen, or mules. It was expected to accommodate six persons.

Under favorable conditions the 2,000 miles to the gold fields might be covered in 100 days—but here again, conditions were seldom favorable. The rivers were to be forded, food supply to be conserved and replenished, ravines to be crossed, the train to be guarded against possible attack, and camping places to be located. Not infrequently, the wagons had to be unloaded and reloaded many times in a single day.

When making camp in the evening it was customary to drive the wagons together in such way as to form a circle, by placing the pole, or tongue, of each upon the back axle-tree of the next all the way round, thus providing a good corral, as well as easy means of defense. Most of the wagons had the names of the owners, starting point, and destination painted in large letters on the outside of the cover. Many of the larger companies were compelled to subdivide; more grass than could be found in any one place near the trail was required for the large amount of live stock.

"ON THE GOLD FIELDS"
(From Pictorial History of California.)

Men—mostly young men of spirit and adventure—constituted many of the parties of the '49ers. But not a few entire families were to be found in the caravans; and within a few years the family unit strongly predominated. Emanuel A. Speegle, at present a respected citizen of Los Angeles, has for years boasted the unique distinction of being "a '49er, the son of a '49er, and the grandson of a '49er!" The simple secret is that as a child he came to California with his parents and grandparents.

The perils of the trip across the plains to California have so often been depicted in glowing colors that there is danger of overlooking the pleasurable features and amenities. A pioneer mother, of sainted memory, wrote:

> We had music in camp many an evening, some of the company having brought their musical instruments, such as violins or guitars; but when not too tired we would sing hymns of praise. The young people had a good time and a great deal of fun. They were free from care and could ride on horseback or in the wagons all they pleased, or could walk along the road together. We managed to sew enough to keep our clothes in order while the oxen were poking along where the road was level. Some worked at crocheting or knitting a little occasionally, just for pastime. We had nothing to read but our Bibles and a few hymn books.

Sutter's Fort, and later the City of Sacramento, which grew up around it, was the objective of the great majority of the immigrants who came to California to hunt gold. Most of the companies dissolved at Sacramento, which received the fictitious name of "Powder Magazine," because so many companies blew up there!

Here it may be remarked that in virtually every instance the experiments in practical socialism undertaken by Argonauts of '49 resulted in speedy and complete failure. To be sure, it was very common for the miner to have his special partner, and the glory of the mining camp was its splendid spirit of democracy, but the strongly individualistic type of the '49er and the unique conditions under which he worked rendered anything like collective ownership and management entirely out of the question.

On landing at San Francisco, bustling with evidences of "busyness," seafaring Argonauts, glad to be at last in California, but eager to press on to the diggings, made all haste to proceed to Sacramento, there to equip themselves as actual miners. In the meantime the caravans of prairie schooners were winding their weary way down the slopes of the Sierra Nevada toward the same objective,—everybody knew about Sutter's Fort and the hospitable welcome that had there awaited the vanguard of the American hosts.

On making rendezvous at Sacramento many of the '49ers found themselves totally without equipment for the mines. Many others had succeeded—sometimes after infinite patience and toil—in bringing with them all the way fearfully and wonderfully contrived devices and apparatus, practically all of which, when put to the test, proved to be utterly worthless!

Strong drink was a curse to the early miners and unquestionably brought ruin to many a promising young Argonaut. In her observation tours "Dame Shirley" received the impression that

> . . . nothing can be done in California without the sanctifying influence of the *spirit*, and it generally appears in a much more "questionable shape" than that of sparkling wine.

Notwithstanding the prevalence of the drinking habit and a certain moral laxity that has often been remarked and sometimes grossly exaggerated, there was in California in the days of gold magnificent exhibition of those resplendent qualities of the soul of man that have ever rescued

him from degradation and marked him for a high destiny. The rough exterior and uncouth language were no criterion of the spiritual excellence that characterized the heart of many a man of '49. Reverend O. C. Wheeler, a Baptist missionary who himself arrived in San Francisco in February of that memorable year, later wrote these words concerning the men he knew and with whom he mingled:

> Though the people who came in those early times were not a religious sect fleeing from persecution, though their emigration was in no way connected with or consequent upon a religious movement of any kind, though they were of all evangelical forms of faith, they had enough of pure Christianity to rise above all sectional strife, and join with one heart and one soul to diffuse through all the elements then combining to generate an embryo State a healthful religious sentiment.

Nothing could be more truly heroic than the faithful preaching of virile men of God in the midst of the turmoil of early California society, and likewise the daily exemplification of the stanch virtues of Christian living by certain missionaries and ministers in an environment of worldliness supposedly irresistible. The writer who fails to make due mention of the burning messages of the devoted minister and to note the response of the stalwart men of the California gold days is no true historian—he has not perceived one of the deepest attributes of the times, one of the finest elements of the amazing life of pioneer society in California.

Of all the stalwart Christian soldiers none strove more valiantly or devotedly in the interest of true religion and undefiled than the Reverend William Taylor—afterwards Bishop Taylor of African fame. When on the 3d of December, 1849, he announced that at 3 P. M. he would preach in the open air on Portsmouth Square (the Plaza), most persons were inclined to regard it as a dangerous experiment, since powerful and influential gamblers then made the Plaza their principal rendezvous. Combining with his gift of song and his utter devotion an adroitness and keen discernment, he first "sang up" a dense crowd, then introduced his mission in these words:

> Gentlemen, if our friends in the Atlantic states, with the views and feelings they entertained of California society when I left there, had heard that there was to be preaching this afternoon on Portsmouth Square, in San Francisco, they would have predicted disorder, confusion, and riot; but we, who are here, believe very differently. One thing is certain, there is no man who loves to see those stars and stripes floating on the breeze, [pointing to the flag of our Union] and who loves the institutions fostered under them; in a word, there's no true American but will observe order under the preaching of God's word anywhere, and maintain it, if need be. We shall have order, gentlemen.

During his seven years of preaching to audiences in which there was always a generous sprinkling of California gamblers and rum sellers, he never had a serious disturbance, nor lost a congregation in the streets. His audiences often numbered from 1,000 to 1,500 men; and as pulpits he used a work bench, whiskey barrel, pork barrel, steamer deck, or anything that could be pressed into service at the moment. Said he, "I have

probably preached a hundred times on the heads of liquor barrels." In his *Seven Years of Street Preaching* he thus refers to a Sabbath day's work:

> I, as usual, led class at 9 A. M. Preached on the Long Wharf at 10 A. M. Preached in the Bethel at 11 A. M. Preached in the State Marine Hospital at half past two P. M., and on the Plaza at 4 P. M. Preached again in the Bethel at 7 P. M. These are my regular appointments for each Sabbath.

Doctor Albert Williams was another faithful preacher, with alert vision to perceive the exceptional and inspiring character of the audiences he was wont to address. In his *Pioneer Pastorate* he writes:

> These were mostly in the prime of manhood. There were few, very few gray hairs then seen. Such an assembly of educated, active, strong men, rarely brought together in any land, it was a pleasure to look upon, as it was my own privilege weekly.

Such men as Taylor and Williams, and Isaac Owen, J. Dwight Hunt, Samuel H. Willey, and J. L. Ver Mehr, will ever deserve a worthy place in the early annals of the commonwealth of California. Truly there was need for their kind, and well and faithfully did they serve. It is a matter of common remark that men of the gold days often left their religion behind. We are told of one old apostate who said, "God don't hold any man to answer for his conduct, after he crosses the Missouri River!"

Yet in spite of all moral drawbacks, and the rather flippant remark that in San Francisco every second house was a gambling hell and every second man was a doctor, there was opportunity for religious instruction and for amusement that was not immoral. By the first of August, 1849, five churches had been established in San Francisco—Episcopal, Catholic, Baptist, Congregational, and Presbyterian. To employ a metaphor based on early mining, the surface diggings revealed but little in religious values, but in the deeper placers there was to be found much pay dirt, with here and there a surpassing nugget of spiritual wealth. We of a later generation do well to hold in grateful remembrance those faithful ministers who contributed so unselfishly to the finer spirit of a supremely restless age.

The feeling of comradeship that quickly and spontaneously developed among the men of '49—the Argonauts, as they were christened by Bret Harte—crystallized into a firm federation, and in August, 1850, even before California's admission as a state into the Union, the Society of California Pioneers was organized in San Francisco. Only persons who had arrived in California prior to the first day of January, 1850, were qualified for active membership.

The avowed purpose of the society was the cultivation of a more perfect spirit of unity among its members. More specifically its objects, as set forth in the constitution, were:

> To collect and reserve information connected with early settlement and subsequent conquest of the country;
>
> To form such libraries and cabinets, and to pursue such literary and scientific objects, as the Board of Directors may, from time to time, de-

> termine, and in all appropriate matters to advance the interests and perpetuate the memory of those whose sagacity, energy and enterprise induced them to settle in the wilderness and become the founders of a new State.

The organization immediately attracted to its membership the leading men of the state, and in the course of time its roster contained 2,500 names. The chief place of honor was fittingly accorded to those early immigrants who preceded the gold days, the predecessors of the pioneers,

> "those men of hardy frame and heroic souls," said E. H. Washburn, in his Admission Day Oration of 1862, "who, animated only by a noble ambition and a spirit of daring adventure, unsustained by the golden promises held out to most of us, had become the Pioneers of Pioneers of this coast."

To be a real pioneer was to possess the badge of aristocracy in California. For years the society occupied a handsome building on Montgomery Street, where were to be found library, reading rooms, and other appointments, and where was assembled an interesting collection of historical relics. At a later date James Lick, a president of the society and founder of the great Lick Observatory on Mount Hamilton, donated to the organization a fine lot at the corner of Market and Fourth streets, where the Society of California Pioneers maintained its home till the great fire of 1906.

On each recurring Admission Day (September 9) the Pioneers held an elaborate patriotic celebration, including monster parade, oration, and original poem. It was at such a celebration, held in 1889, that Major Edwin A. Sherman, one of the most zealous among all the pioneers and a veteran of the Mexican War, thus delivered himself of his ardent affection for the perpetually united California:

> Nature and Nature's God and the Pioneers declare, there shall be no dismemberment of California; and palsied be the hand, the heart, and the tongue of him who would attempt to cut her off at the knees or to sever her in twain. She was our foster mother in our young manhood, our wife in our maturer years, our daughter in our old age, and when we lie down to rest in her bosom, she shall bloom in immortal youth and glorified beauty, with all her strength and power renewed, without a single fold erased, one jewel plucked from her crown, or a tress cut off from her golden hair.

Among the distinguished men elected to honorary membership in the Society of California Pioneers were General Frémont, General Ord, General Bellows, William H. Seward, Commodore Shubrick, Admiral Farragut, Admiral Stockton, and Governor Geary. In 1893 Hubert Howe Bancroft, whose name had become a household word in California even though his arduous labors had not been fully appreciated, was with much formality expelled from his honorary membership because of certain alleged "misrepresentations of men and events in early California history," made in his elaborate works.

The great San Francisco fire of April, 1906, in destroying the magnificent home of the Pioneers, swept away many precious records and

relics, one of the most interesting of which was the original Bear Flag, first raised by American settlers at the little town of Sonoma in June, 1846. And now—such has been the devastating effect of time—the Society of California Pioneers has come itself to be scarcely more than a memory; but to myriads of men and women, youths and maidens of later generations, it is a dear memory, a priceless legacy, whose benign influence will never cease to be shed abroad while the commonwealth of California endures.

CHAPTER XV

THE PERILS OF DEATH VALLEY: WILLIAM LEWIS MANLY

One of the most dramatic and tragic touches of the wondrously complex picture we call the Days of '49 is that which recounts the experience of pioneers whose fate led them to Death Valley. The marvel is that any of them emerged alive.

Since so few individual pioneers actually came into this "seventy-five mile strip of perdition," and these have now all passed to the great beyond, it may be urged by some that the episode is to be regarded as merely ephemeral and unimportant, and therefore that it has no rightful place in California history; but such is by no means the case. It is because of the marvelous congeries of forces, the unique combination of local color and continental significance, together with kaleidoscopic change, revealing the whole gamut of human sentiments and human passions, that the period culminating in the Days of '49 constitute the focal point of our western history. Therefore he that would paint a true picture must not omit the affecting story of Death Valley nor the pitiful tragedy of Donner Lake. There is something elemental in such experiences: pathos there is to wring the stoutest hearts; and never did true heroism shine more resplendently;—without mention of these streams of human life our annals would be sadly incomplete, history itself would be falsified.

If the trip to California over the well established routes and under the most favorable conditions was hard, it became truly tragic to some who lost their way or ignorantly took a cut-off that followed the quick and relentless trail to dire disaster. The story of the immigrants who penetrated the Valley of Death will always live in the history of California—it is a part of the rightful heritage of succeeding generations.

Death Valley, which stretches along the width of from eight to fifteen miles in the southeastern part of what is now Inyo County, lies about one hundred and ten feet below sea level. Its atmosphere is almost totally bereft of moisture, it is visited with relentless burning heat and constant winds blowing the stifling sand, while the sun's blinding glare quickly parches the unprotected skin and tends to induce fever and even delirium. In the expressive words of a recent writer,

> Here Time himself stands appalled! Death itself lies dead! With the Funeral Mountains and the Black Mountains flanking it on one side, and the Panamint Mountains on the other, it lies, like a huge coffin, wherein have disintegrated and passed from view and almost memory, the bones of more than 200 immigrants, prospectors, and wanderers in that repelling waste.

William Lewis Manly, a native of Vermont, having as a youth broken western paths through the Lake Michigan region, was seized by the California fever during the winter of 1848-49. This in itself is not strange, since the fever had become widely epidemic; but the story of Manly during succeeding months, which he has left us in *Death Valley* in '49, is indeed passing strange.

As early as the season would permit he started for California, having missed connections with Mr. Asabel Bennett and having been promised his board if he would drive one of the teams belonging to Mr. Charles Dallas. Manly's team consisted of a yoke of oxen and a yoke of cows.

Passing Fort Laramie, the company fell in with some United States soldiers who were on their way to Oregon *via* Fort Hall. Many hardships were encountered, and the delays were so serious that the leaders declared it was "entirely too late to get through to California, on account of crossing the Sierra Nevada Mountains, which, they said, would be covered with snow by November, or even earlier."

The prospect of being compelled to winter among the Mormons at Salt Lake without money or opportunity for work was exceedingly depressing. Manly's personal narrative reveals something of the workings of their minds:

> When we came to the first water that flowed toward the Pacific Coast at Pacific Springs, we drivers had quite a little talk about a new scheme. We put a great many "ifs" to-gether and they amounted to about this:— If this stream were large enough; if we had a boat; if we knew the way; if there were no falls or bad places; if we had plenty of provisions; if we were bold enough to set out on such a trip; etc., we might come out at some point or other on the Pacific Ocean. And now when we came to the first of the "ifs," a stream large enough to float a small boat; we began to think more strongly of the other "ifs."

The discovery of a small ferry boat filled with sand furnished satisfactory answer to their second "if." The upshot was that Manly and six companions, being now assured that the river came out on the Pacific Coast, announced to Dallas their purpose to proceed in the little ferry boat down the river with the hope of reaching at last their goal.

> So we parted company, the little train moving slowly on its way westward. Our military captain, the soldier boys, and the gay young lady taking the route to Oregon, and we sitting on the bank of the river whose waters flowed to the great Pacific. Each company wished the other good luck, we took a few long breaths and then set to work in earnest to carry out our plans.

The party setting forth in this perilous enterprise down the mighty Colorado consisted of W. L. Manly, W. S. McMahon, Charles and Joseph Hazelrig, Richard Field, Alfred Walton, and John Rogers.

> We untied the ropes, gave the boat a push and commenced to move down the river with ease and comfort, feeling much happier than we would had we been going toward Salt Lake with the prospect of wintering there. . . .
>
> As we were floating down the rapid stream it became more and more a rapid, roaring river, and the bed contained many dangerous rocks

> that were difficult to shun . . . As we were gliding along swiftly, I set my pole on the bottom and gave the boat a sudden push to avoid a boulder, when the pole stuck in the crevice between two rocks, and instead of losing the pole by the sudden jerk I gave, I was the one who was very suddenly yanked from the boat by the spring of the pole, and landed in the middle of the river. . . . I told them that was nothing as we were on our way to California by water anyway, and such things must be expected.

After several days with no very serious obstacles, the swirling waters, sudden turns, and threatening obstructions made further progress rapidly more difficult; and finally the river voyage came to a sudden halt when the boat was jammed against a huge rock and left standing edgewise in the water, "and the strong current pinned it there so tight that we could no more move it than we could move the rock itself."

It was next decided to construct canoes from pine trees in the vicinity. Thrilling new experiences were theirs for several days. They had already passed the spot where Manly reports that he saw painted in large black letters on a smooth place on the rock the words, "ASHLEY, 1824;" they were successful in killing elk, a goose, two ducks, and an otter.

But the obstructions became worse and worse. At one point they came upon

> a deserted camp, a skiff and some heavy cooking utensils, with a notice posted upon an alder tree saying that they had found the river impracticable, and being satisfied that the river was so full of rocks and boulders that it could not be safely navigated, they had abandoned the undertaking and were about to start overland to make their way to Salt Lake.

Still they battled forward in the treacherous river, until they came upon some Indian lodges, where they made the acquaintance of Chief Walker, who proved to be friendly. After much parleying, mainly by means of the sign language, Manly was convinced of the utter futility of progressing further in the canoes. In short, he decided that prudence demanded a change of course and an attempt to make his way to Salt Lake. The other members agreed, with the exception of McMahon and Field. Then came another parting, which is thus described:

> We shook hands with quivering lips as we each hoped the other would meet good luck, and find enough to eat and all such sort of friendly talk, and then with my little party on the one side and McMahon and Field, whom we were to leave behind, on the other, we bowed to each other with bared heads, and then we started out of the little young cottonwoods into the broad plain that seemed to get wider and wider as we went west.

In his personal narrative written long afterward, Manly pays this tribute to the Indian chief who warned him of the perils of continuing down the roaring Colorado:

> I have often wondered at the knowledge of this man respecting the country, of which he was able to make us a good map in the sand, point out to us the impassable canon, locate the hostile indians, and many points which were not accurately known by our own explorers

for many years afterward. He undoubtedly saved our little band from a watery grave, for without his advice we had gone on and on, far into the great Colorado canon, from which escape would have been impossible and securing food another impossibility, while destruction by hostile indians was among the strong probabilities of the case. So in a three-fold way I have for these more than forty-years credited the lives of myself and comrades to the thoughtful interest and humane consideration of old Chief Walker.

After days of weary traveling, and when within sixty miles of Salt Lake, Manly's little band was overjoyed to come upon the party of Mr. Bennett, whom he had missed at the Missouri River, and who had Manly's entire outfit with him. Bennett would not listen to the plan to go on to Salt Lake; so arrangements were made to join forces and proceed to California.

After more days of camp-fire talk and arguments, it was decided to move on by way of the southern route, to Los Angeles. To be sure, they had never heard of a wagon getting through that way, but it was known that a trail had been traveled through that desert country for a long time, and anyway, the season was so far advanced that Bennett saw no hope of being able to cross the Sierra Nevadas before the advent of the winter snows.

The entire train of which Manly and Bennett now found themselves a part numbered 107 wagons and contains perhaps 500 head of horses and cattle. It was obvious that so large a train must be broken up into smaller units. Therefore, an organization was effected known as the "Sand Walking Company," to consist of seven divisions, and Captain J. Hunt, a Mormon, was chosen commander and guide.

"All possible trouble that we could imagine might come", wrote Manly, "was provided against in our written agreement, and all promised to live up to it."

A part of this train, under Captain Smith, instead of continuing on the regular Salt Lake-Los Angeles trail, reached the decision to turn directly west, in the hope of entering San Joaquin Valley. Bennett and Manly, and a young Tennessean named John Rogers, concluded to follow Smith.

One day a division calling themselves the "Jayhawkers" passed the Bennett party, intent on reaching California in the least possible time. But how sadly they miscalculated! Nevertheless they have left an undying record of horrors experienced and human devotion displayed that constitute a precious chapter in California's priceless historical legacy.

Prominent among the Jayhawkers, though in reality regarded as interlopers, were the Reverend J. W. Brier, his wife, and three sons. Mrs. Brier was the only woman in the party—most of the men were unmarried. But among women of California Mrs. Brier deserves a place of honor and distinction for the stout heart, devoted spirit, and never-failing resource she displayed in the midst of conditions now inconceivable in their desperation and sheer horror. It is no wonder that the Jayhawkers

preserved the custom of their annual reunions as long as two or three survivors could come together—nor that Mrs. Brier, no less than her husband, came to be regarded as a most worthy member.

The gravest difficulties were encountered by the Jayhawkers and by the Bennett party alike. All had, in sober truth, lost their bearings. Manly who from the tops of buttes had been scanning the country with great care, concluded that his party was pursuing the wrong course—it was a mistake to be going north; but instead of patiently setting out to retrace their steps, the leaders decided, with many misgivings, to proceed in a westerly direction, where in the distance Manly had discerned lofty mountains, their summits white with snow.

The situation grew rapidly worse—conditions became truly appalling. From the summit of a lofty peak the young guide and adviser beheld a tableland stretching away for many miles, while beyond could be seen a low range of dark hills, with a loftier range (the Panamint Mountains) still farther to the west. For the first time he looked down into Death Valley, so named to commemorate the brave emigrants who there perished.

One evening in camp Manly, having scanned the horizon in all directions, from near-by peaks, was pressed to tell his comrades what he saw.

> "I did not like telling the whole truth about it," he informs us in his personal narrative, "for fear it might dampen their spirits, but being pressed for an opinion, I told them in plain words that it would at least be another month before their journey would be ended."

That night Sarah Bennett, who had overheard the gloomy report, was found weeping, feeling that she and her children must starve.

Presently provisions were exhausted; children cried for water when there was none to be had; one after another the faithful oxen were killed for food—even stout-hearted young Manly was led to confess to sentiments of dark despair:

> I thought of the bounteous stock of bread and beans upon my father's table, to say nothing about all the other good things, and here was I, the oldest son, away out in the center of the Great American Desert, with an empty stomach, and a dry and parched throat, and clothes fast wearing out with constant wear. And perhaps I had not yet seen the worst of it. I might be forced to see men, and the women and children of our party, choke and die, powerless to help them. It was a darker, gloomier day than I had ever known could be, and alone I wept aloud, for I believed I could see the future, and the results were bitter to contemplate. I hope no reader of this history may ever be placed in a position to be thus tried, for I am not ashamed to say that I have a weak point to show under such circumstances. It is not in my power to tell you how much I suffered in my lonely trips, lasting sometimes days and nights that I might give the best advice to those of my party. I believed that I could escape at any time myself, but all must be brought through or perish.

In the course of his explorations, evidences of the whereabouts of the Jayhawkers were frequently encountered. We have assurance in the words of Mrs. Brier that on Christmas Day, 1849, even in the midst of

ON THE FLOOR OF DEATH VALLEY
(From Pictorial History of California.)

Death Valley, the holiday occasion was not wholly forgotten. Many years after the event she said:

> The men killed an ox and we had a Christmas dinner of fresh meat, black coffee, and a very little bread. I had one small biscuit. You see we were on short rations then and didn't know how long we would have to make provisions last. We didn't know we were in California.

About dusk of the same day Manly, so the record runs, came upon the camp of the Brier family, and found the reverend gentleman "delivering a lecture to his boys on education!"

But conditions were becoming so utterly desperate that the main question came to be not how much progress can be made, but, can life itself be much longer sustained? Night after night counsels of the most solemn character were held. Referring to one of these counsels, Manly reports:

> At this meeting no one was wiser than another, for no one had explored the country and knew what to expect. The questions that now arose were "How long can we endure this work in this situation? How long will our oxen be able to endure the great hardship on the small nourishment they receive? How long can we provide ourselves with food."

It was certain that they must move somewhere without delay: otherwise it would be only a matter of a little time till their bones would be bleaching in the desert sands. Finally Mr. Bennett proposed that—

> We select two or our youngest, strongest men and ask them to take some food and go ahead on foot, and we will go back to the good spring we have just left, and wait for their return. . . . I think this is the best and safest way.

For the perilous enterprise William Lewis Manly and John Rogers were selected. The other members of the camp were: Asabel Bennett, with wife and three children, J. B. Arcane, with wife and son, two Earhart brothers and a grown son of one of them, Captain Culverwell, and three others whose names are now unknown.

That trip of two young heroes unselfishly seeking relief for their helpless companions shines resplendent in our annals and will forever redound to the sublimity of the noblest and best in the life of the western pioneer. No rhetoric can depict the horrors of that trip nor match its true nobility. Many years later Manly tried to express their situation:

> We were so nearly worn out that we tried to eat a little meat, but after chewing a long time, the mouth would not moisten it enough so we could swallow, and we had to reject it. It seemed as if we were going to die with plenty of food in our hand, because we could not eat it.
>
> We tried to sleep but could not, but after a little rest we noticed a bright star two hours above the horizon and from the course of the moon we saw the star must be pretty truly west of us. We talked a little, and the burden of it was a fear that we could not endure the terrible thirst a while longer. The thought of the women and children waiting for our return made us feel more desperate than if we were the only ones concerned. We thought we could fight to the death over a water hole if we could only secure a little of the precious fluid. No one who has ever felt the extreme of thirst can imagine the distress,

> the dispair, which it brings. I can find no words, no way to express it so others can understand.

But in the end the two messengers nobly succeeded. Without ever suspecting it, they were half-way across California. Urged on by signs of life and plenty, they finally reached San Fernando, where they were able quickly to obtain supplies.

Spurning the suggestion that they might abandon the attempt to return to their companions—who would probably have perished in the long interim—and so save themselves, they made preparations for the perilous journey back to the Desert of Death.

Dramatic in the extreme must have been the occasion twenty-six long days after the separation from their friends, when they came in sight of the camp. Let Manly himself tell the thrilling incident:

> One hundred yards now to the wagons and still no sign of life, no positive sign of death, though we looked carefully for both. We fear that perhaps there are Indians in ambush, and with nervous irregular breathing we counsel what to do. Finally, Rogers suggested that he had two charges in his shot gun and I seven in the Coll's rifle, and that I fire one of mine and await results before we ventured any nearer, and if there are any of the red devils there we can kill some of them before they get us. And now both closely watching the wagons I fired the shot. Still as death and not a move for a moment, and then as if by magic a man came out from under a wagon and stood up looking all around, for he did not see us. Then he threw up his arms high over his head and shouted—"The boys have come! The Boys have come!" Then other bare heads appeared, and Mr. Bennett and wife and Mr. Arcane came toward us as fast as ever they could. The great suspense was over and our hearts were first in our mouths, and then the blood all went away and left us almost fainting as we stood and tried to step. . . . Bennett and Arcane caught us in their arms and embraced us with all their strength, and Mrs. Bennett when she came fell down on her knees and clung to me like a maniac in the great emotion that came to her, and not a word was spoken. If they had been strong enough they would have carried us to camp upon their shoulders. As it was they stopped two or three times, and turned as if to speak, but there was too much feeling for words, convulsive weeping would choke the voice. . . . Mrs. Bennett through her tears, looked staringly at us as she could hardly believe our coming back was a reality, and then exclaimed:—"Good boys! O, you have saved us all! God bless you forever! Such boys should never die!" It was some time before they could talk without weeping. Hope almost died within them, and now when the first bright ray came it almost turned reason from its throne.

The general opinion in camp seemed to have been that the "boys" would never return to camp—indeed, that if they ever got out of "this cussed hole" they would be fools to come back to help anybody. But Bennett's confidence remained unshaken—he told his companions they would return with food and be able to show them the way out. And Bennett was right! By this act of unselfish devotion Manly and Rogers won the gratitude not only of the remnant of Bennett's party but likewise of all true Californians.

The ten days allotted had grown to nearly four weeks, and by the time the enfeebled little band had made ready for the march it was about the first of February, 1850. All wagons were left behind, with everything in the way of supplies that could possibly be spared, and the meager belongings were packed on the few remaining oxen and the little mule.

Notwithstanding the appalling difficulties at every step, they were buoyed up by unfailing hope, for they now had trusted guides, and every day brought the desperate little band nearer to the promised land.

Emerging at last from Death Valley, they crept along the eastern slopes of the Sierra Nevadas, passed through Red Rock Cañon, crossed the Mojave River and wound their course to San Fernando by way of Soledad Cañon.

Nineteen dreadful days after they had left their wagons they reached the babbling brook which Manly and Rogers had so long painted before the vision of the tired women.

> There it danced and jumped over rocks singing the merriest song one ever heard, as it said—Drink, drink, ye thirsty ones your fill—the happiest music to the poor starved, thirsty souls, wasted down almost to haggard skeletons. O! if some poet of wildest imagination could only place himself in the position of those poor tired travelers . . . . and write it in words—the song of that joyous brook and set it to the music that it made as it echoed in gentle waves from the rocks and lofty walls, and with the gentle accompaniment of rustling trees—a soft singing hush, telling of rest, and peace, and happiness.

The survivors of the little party that had left the Salt Lake Trail near Mountain Meadows on November 4, 1849, finally arrived in the land of plenty, in southern California, more than four months later. An entire year had been consumed on the way from Wisconsin; and yet they found that they were still more than five hundred miles from the mines, with no money and only the clothes that were on their backs.

Mr. Manly gives a list of the Jayhawkers who were still living in 1893, numbering sixteen persons, and refers to twenty deceased members, together with some sixteen others more or less connected with the party but not properly belonging to the organization. The story of the Jayhawkers may rightly be regarded as a classic among the tragic episodes of early California history.

Several years afterward the members who had returned to their eastern homes formed themselves into an organization styled the Jayhawkers' Union. Each year since 1872 they held a reunion, usually at Galesburg, Illinois, where the company was made up in the spring of 1849. These reunions, which grew in interest with the years, were always held on February 4, "the date of their deliverance." But in 1899 it was reported that not one of the eight survivors was able to attend; in 1903 the fifty-third anniversary was held at the residence of Mrs. Juliette W. Brier, in Lodi, California, the survivors having dwindled to three members; and now even the organization has become a memory.

CHAPTER XVI

MINING DAYS AND MINERS' WAYS

During those first years of exploitation it was but natural that the gold hunters should confine their activities very largely to following up new "prospects"—nothing could be more alluring to the prospector than the lively expectation that he might "strike it" the next minute, nor more dramatic than the actual "find"—and to working the claims at or near the surface, along the numerous river beds and ancient water-courses. It was necessary to suspend these operations during the rainy season—in fact the actual mining could in most localities be successfully carried on only about six months of the year.

A "claim" was the parcel of mining land either owned or possessed by a miner or a company. In some of the claims the "pay dirt" lay practically on the surface, in others it was found at varying depths; but there was little subterraneous work or sinking of shafts in the early phases of California mining.

The "dry diggings" were as a rule worked first. These were found in flats and gullies where there was no water supply, or where water could be obtained only for a limited season. "Wet diggings" multiplied very rapidly, however, there being mines in the river beds or along the sand bars. The "placer" came to refer to any place or mine where mineral deposits might be found. In California probably more "pay dirt" was found near the surface than in any other gold country in the world. The deeper placers were developed, for the most part, after the first rush was over.

According to topographical position, placers have been divided into hill, flat, bench, bar, river-bed, ancient river-bed, and gulch mines. "Bench diggings" were not uncommon—they were located on narrow tables on the hill-side, indicating locations of ancient streams. There were numerous "bars," or low accumulations of sand and fine gravel along the sides of a river, usually opposite the angles of its "bends," these being above the surface at low water, while the river-bed claims were always below the surface.

It was not to be expected that all the gold in the dirt could be caught, especially during the feverish days of early exploitation. It is impossible to state what proportion was lost, but it is well known that many placers were worked with profit two or three times and that many claims were worked successfully by Chinese after being abandoned by the whites.

Water was the great *sine qua non* of the placer miner. In many an instance an abundance of water insured success, whereas the lack of it spelled failure and sometimes ruin. For years as high as eighty per cent of the gold produced in California was obtained, directly or indirectly, by virtue of the assistance of ditch water.

Along with the ditch must be mentioned the "flume," which was usually constructed of boards one and a half inches thick from the bottom and an inch and a quarter for the sides. It is estimated that a flume box 40 inches wide by 20 inches deep built at a grade of 13 feet to the mile, will carry approximately 800 inches. The cost of the flume was about twice that of an open ditch; its average life-time was perhaps eight years, though the annual bill for repairs was heavy.

As mining developed the value of the iron pipe came to be more and more appreciated. For the purpose of carrying water across ravines and in utilizing the principles of the siphon its advantages over the ditch and the flume were most marked. At a later time in the vicinity of Placerville water was conveyed across a depression 190 feet deep and 1,600 feet long in a pipe costing $900, whereas it is said that a flume constructed for the purpose would have cost $25,000.

The individual miner of the early days had constant need for pan, pick, shovel, and crowbar. Of all implements for washing auriferous dirt the pan was the simplest. It was made of tin or sheet iron, with flat bottom about a foot in diameter, its sides about six inches high—rising at an angle of forty-five degrees. Mr. John Hittell has thus described the process of panning:

> Some dirt, not enough to fill it full, is put in, and the pan is then put under water. The earthy part of the dirt is rapidly dissolved by the water, assisted by the shaking of the pan and the rolling of the gravel from side to side, and forms a mud, which runs out while clean water runs in. The light sand flows out with the thin mud, while the lumps of tough clay and the large stones remain. The stones collect on the top of the clay, and they are scraped together with the fingers and thrown out. This process continues, the pan being gradually raised in the water, and its outer edge depressed, until all the earthly matter has been dissolved, and that, as well as the stones, swept away by the water, while the gold remains at the bottom. . . . In panning out, it frequently happens that considerable amounts of black sand containing fine particles of gold are obtained, and this sand is so heavy that it cannot be separated from the gold by washing, while it is easily separated in that way from gravel, stones, and common dirt. The black sand is dried, and a small quantity of it placed in a "blower," a shallow tin dish open at one end. The miner then, holding the pan with the open end from him, blows out the sand, leaving the particles of gold. He must blow gently, just strong enough to blow out the sand, and no stronger. From time to time he must shake the blower so as to change the position of the particles, and bring all the sand in the range of his breath. The gold cannot be cleansed perfectly in this manner, but the sand contains iron, and the little of it remaining is easily removed by a magnet. The blower should be very smooth, and made of either tin, brass, or copper.

The washing rocker, or "cradle"—so named because of its resemblance to a child's crib—was one of the best known and widely used contrivances employed in the early mines. It was likewise the most expensive instrument used, the cost in the mines being from fifty to a hundred dollars. A typical cradle-box was about forty inches in length and half as wide, with side boards four inches high. It was set with one end two feet higher than the lower end, which was left open to permit the tailings to run out. Again quoting John Hittell:

> On the upper end of the cradle-box stands a hopper or riddle-box, twenty inches square, with sides four inches high. The bottom of this riddle-box is of sheet-iron, perforated with holes half an inch in diameter. The riddle-box is not nailed to the cradle-box, but can be lifted off without difficulty. Under the riddle is an "apron" of wood or cloth, fastened to the sides of the cradle-box and sloping down to the upper end of it. Across the bottom of the cradle-box are two riffle-bars about an inch square, one in the middle, the other at the end of the box. The dirt is shoveled into the hopper, the "cradler" sits down beside his machine, and while with one hand with a ladle he pours water from a pool at his side upon the dirt, with the other he rocks the cradle. With the water and the motion the dirt is dissolved and carried down through the riddle, falling upon the apron, which carries it to the head of the cradle-box, whence it runs downward and out, leaving its gold, black sand, and heavier particles of sand and gravel behind the riffle-bars.

The "board-sluice," or sort of long wooden trough, was much in use, especially where there was a plentiful water supply. The force of the water carried away the clay and gravel, leaving the heavier gold in the bottom, where it was retained behind the riffle-bars or by quicksilver. For a while the sluice was the most important instrument in the placer mines of California. It varied in width from one to four or five feet and in length from fifty feet to several thousand feet.

There is no space to describe in detail many of the contrivances used by the early miners, but mention must be made of the "long tom," a sort of elongated rocker, or shallow trough of boards, into which were thrown quantities of earth to be swept along to the "riddle," or sieve, at the lower end; the "gold borer," used as one would use an auger; and the "water wheel," with shaft, arms, and cross-boards not unlike the paddle-wheels of a steamboat. On some of the diggings a curious spectacle was presented in the event of a number of miners who, having dug their separate holes, were diligently at work with their excavation, quite out of sight to one looking over the bar, when suddenly some unusual noise or excitement brought heads popping out of the ground all over the hillside in decidedly comical fashion. These pits or shafts gained the name "coyote holes," and this form of mining was described as "coyoteing."

With a species of restlessness that was peculiar to themselves, the early gold hunters rushed about from place to place with unexampled rapidity; and thus in an incredibly short time it became known that almost the entire western slope of the Sierra Nevadas was gold bearing. The first miners were far from content with good average returns from

steady digging when they felt that a little farther on, or just across the range, they might pick up "coarse gold" in fabulous quantities. In a surprisingly brief period the eager wanderers had peered into every nook and cranny of the mountains, for scores of miles, in all directions, prospecting for the most favorable spots.

> "The characteristic and besetting fault of the early miner," confesses one of their own number, "was unrest. He was forever seeking better fortune."

The first gold diggers usually had very simple outfits—indeed, they did not require any elaborate set of tools for the early hit-and-miss methods of hunting the yellow gold. On this point Theodore Hittell says:

> A single suit of clothes, consisting of woolen shirt, thick pantaloons, heavy boots and slouch hat, often served for a long time without changing. Add to this the leather belt, usually carrying a revolver pistol and always a bowie or butcher knife, and the man was in full dress. If he traveled on foot, he carried a roll of blankets for his bed, a knapsack of provisions consisting generally of pork and beans, a little flour and salt, perhaps a little coffee or tea, a dish or two for cooking, a large iron or tin pan for washing gold, a shovel and sometimes a pick. If he traveled with a horse or mule, and particularly if he had an extra pack animal, his outfit was more extensive, embracing larger and more varied supplies of provisions, more cooking utensils, more clothing and bedding and many other tools and implements.

In a general way the auriferous area came to be divided into the Northern and the Southern mines, although no exact boundary line between them was universally recognized. The watershed separating the Cosumnes and Mokelumne rivers (both being tributaries of the Sacramento) was ordinarily understood to be the line of demarcation. Thus the great number of camps in the wide-stretching region between the Mokelumne and the Feather rivers came to be known as the Northern Mines, with the thriving city of Sacramento as chief source of supply for provisions and other needed commodities.

This region includes many rivers and smaller streams, of which mention may be made of the American, with its forks, the Cosumnes, the Bear, the Yuba, and the Feather rivers.

The Southern Mines, with the young city of Stockton as principal headquarters, included the camps, generally speaking, lying to the south of the North Fork of the Mokelumne. Through this important area the principal rivers were the Calaveras, the Stanislaus, the Tuolumne, the Merced, and the mountainous portion of the San Joaquin, including their main forks and minor tributaries.

The great Mother Lode, in some respects the most remarkable metalliferous vein in the world, was found to run north-west and south-east, located in such manner that a straight line drawn on the map from Mariposa to Amador (a distance of more than sixty miles) would usually be within half a mile of it. Other veins have perhaps more gold, "but no other has been traced so far," wrote Ross Browne, "has so many peculiar features, has exercised so much influence on the topography of

the country about it, or has been worked with such a profit in so many places."

As mining locations took on first the aspect of camps, then that of more or less permanent towns, an interesting and picturesque list of names came to dot the topography of the Northern and Southern regions. John Hittell in *The Resources of California,* published in 1874, mentions about a hundred curious names of mining localities, to which many others might easily be added. A few, taken almost at random, will be sufficiently illustrative. There were Git-up-and-git and Lazy Man's Cañon, Wild-Cat Bar and Skunk Gulch, Gospel Swamp and Whisky Bar, Shinbone Peak and Humpback Slide, Bogus Thunder and Hell's Delight. Slang names seem to have been chosen "as a sort of protest against the restraints of respectability." Placerville took the name Hangtown because of the hanging of a culprit by process of Lynch law. Marysville, at first called Yubaville, was named after Mrs. Mary Covilland, one of its founders. Picture the hopeful prospector as he sings:

> Once more on Hanghtown's hills we delve,
> On Murderer's Bar we mine,
> At Nigger's Tent and Boston Jim's,
> You Bet, Red Dog, Port Wine.
>
> On Poker Flat and Poor Man's Shack,
> Once more our luck we try,
> Where nuggets once were found as thick
> As planets in the sky.

As a number of camps took on the character of permanent towns, the word "Camp" was dropped: thus we have Angels for Angel's Camp, Chinese for Chinese Camp, and others of like character.

In the delightful *Shirley Letters,* written during 1851-52 by Mrs. Louise Amelia Clappe (under the pen-name "Dame Shirley") are given many glimpses into the actual life of the early miners. For example the suddenness with which a mining town sometimes sprang into being is illustrated by reference to Rich Bar:

> On arriving at Rich Bar, part of the adventurers camped there, but many went a few miles farther down the river. The next morning, two men turned over a large stone, beneath which they found quite a sizable piece of gold. They washed a small panful of dirt, and obtained from it two hundred and fifty-six dollars. Encouraged by this success, they commenced staking off the legal amount of ground allowed to each person for mining purposes, and, the remainder of the party having descended the hill, before night the entire bar was 'claimed.' In a fortnight from that time, the two men who found the first bit of gold had each taken out six thousand dollars. Two others took out thirty-three pounds of gold in eight hours, which is the best day's work that has been done on this bench of the river. The largest amount ever taken from one panful of dirt was fifteen hundred dollars. In a little more than a week after its discovery, five hundred men had settled upon the Bar for the summer. Such is the wonderful alacrity with which a mining town is built.

For a time Marysville was ranked "the third city in regard to size and importance in Upper California." Mrs. D. B. Bates, whose book *Incidents on Land and Water* affords many vivid glimpses into the real life of the early miners, describes the manner of building frame houses,

> when the time occupied in building was two days for a private dwelling, four days for a hotel, and six days for a church. The last mentioned, however, was not often raised. A building would boast of a very slight frame, not boarded, but split clapboard nailed on to the frame, and the outside was finished. Upon the inside, in lieu of laths and plastering, bleached or unbleached cotton cloth is stretched smoothly and tightly, and fastened to the frame. This cloth is then papered over, and it looks as nice as paper upon plastering. The ceiling overhead is nice bleached cloth, sewed together neatly, and stretched so tightly there is not a wrinkle observable.

The lands in which the gold was found were the property of the United States: they were unsurveyed and legally open neither to occupation nor to settlement. Yet thither thronged the army of invading diggers, penetrating the hidden spots of the Sierra Nevada, "occupying the ravines, gulches, and canyons and probing the earth in all directions for the precious metals."

> "Wherever they went," continued Justice Stephen J. Field, speaking from the Supreme Bench of the United States, "they carried with them the love of order and system of fair dealing which are the prominent characteristics of our people. In every district which they occupied they framed certain rules for their government, by which the extent of ground they could severally hold for mining was designated, their possessory right to such ground secured and enforced, and contests between them either avoided or determined. . . . The first appropriator was everywhere held to have, within certain well-defined limits, a better right than others to the claims taken up; and in all controversies, except as against the government, he was regarded as the original owner, from whom title was to be traced. . . . These regulations and customs were appealed to in controversies in the State courts, and received their sanction; and properties to the value of many millions rested upon them. For eighteen years, from 1848 to 1866, the regulations and customs of miners, as enforced and moulded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and the water on the public mineral lands."

It is scarcely necessary to point out that many of the lurid tales told by sensation-mongers—though oft-repeated with no dishonest intent—many of the harrowing accounts of gun-play and other melodramatic scenes in the typical California mining camp are gross exaggerations and utter perversions of the work-a-day life of the gold seeker. There has been frequent—sometimes grotesque—distortion of the truth from the very days of '49 till now. While it will never be forgotten that the miners were young men of spirit and hardihood, not lacking in initiative and vigor when occasion presented itself, the great body of those who settled in the towns so quickly established were industrious, order-loving Americans, anxious for some sort of stable government, intent on extracting

a fortune from the earth. In support of the general statement that "order and quiet, and security of life and property, were characteristic in the country," reference may be made to the official reports of Governor Mason and Governor Riley to the federal government. In his letter to the Secretary of War, August 30, 1849, Riley says:

> Before leaving Monterey, I heard numerous rumors of irregularities and crimes among those working in the *placeres;* but on visiting the mining regions, I was agreeably surprised to learn that every thing was quite the reverse from what had been represented, and that order and regularity were preserved throughout the entire extent of the mineral districts. In each little settlement, or tented town, the miners have elected their alcaldes and constables, whose judicial decisions and efficient acts are sustained by the people, and enforced with much regularity and energy.

The appearance of a strolling singer in a mining town often proved to be the occasion for a season of special amusement and much relished recreation for groups of diggers. The words used by the singer, usually set to well-known airs, such as "Pop Goes the Weasel," "Ben Bolt," "Oh, Susannah," unquestionably showed some 'hard edges'; but,—as a writer expressed it,—"they enlivened the long, tedious hours of a winter fireside, met approval and repeated encore." The singer who was able to catch the fancy of his audience was rewarded with a shower of small nuggets upon the impromptu stage, usually in some popular saloon. The songs themselves were often of interminable length, the clever performer being given to frequent improvising. Selected stanzas from a few of the old favorites will illustrate the style of poetry in vogue with the typical '49er.

As a broad satire on the method of transportation to the mining camp, we have the "California Stage Company."

(Air: "Dandy Jim of Caroline.")

There's no respect for youth or age
On board of a California stage;
But pull and haul about the seats
As bed-bugs do among the sheets.
Chorus.

They started as a thieving line
In eighteen hundred forty-nine;
All "opposition" they defy,
So the people must "root hog or die."

The dust is deep in summer time,
The mountains very hard to climb;
And drivers often stop and yell,
"Get out, all hands, and push—up hill!"
Chorus.

The drivers, when they feel inclined,
Will have you walking on behind,
And on your shoulders lug a pole,
To help them through some muddy hole.
Chorus.

They promise, when your fare you pay,
"You'll have to walk but half the way;"
Then add, aside, with cunning laugh,
You'll push and pull the other half."
Chorus.

In "The Happy Miner," the singer may be pictured as an apparently happy-go-lucky individual sitting on a boulder, with something wistful in his far-away look:

(Air: "I Get in a Weaving Way.")

I'm a happy miner, I love to sing and dance;
I wonder what my love would say, if she could see my pants,
With canvas patches on the knees and one upon the stern;
I'll wear them while I'm digging here and home when I return.

They wish to know if I can cook, and what I have to eat,
And tell me should I take a cold be sure to soak my feet;
But when they talk of cooking, I'm mighty hard to beat—
I've made ten thousand loaves of bread the d——I couldn't eat.

No matter whether rich or poor, I'm happy as a clam,
I wish my friends at home could look and see me as I am,
With woolen shirt and rubber boots, in mud up to my knees,
And lice as large as Chili beans fighting with the fleas.

Perhaps no song of the gold days quite equalled "The California Emigrant" in wide-spread popularity. This song, which later found many imitators, came from Salem, Massachusetts, with the bark *Eliza*. Following is a favorite version set to the tune, "Oh! Susannah!" by "One of 'Em":

I come from Salem City,
With my wash bowl on my knee;
I'm going to California
The gold dust for to see.
It rained all night, the day I left,
The weather it was dry,
The sun so hot I froze to death—
Oh! brothers! don't you cry!

O! California!
That's the land for me,
I'm going to Sacramento,
With my wash bowl on my knee!

I jumped aboard the 'liza ship,
And traveled on the sea,
And every time I thought of home,
I wished it wasn't me!
The vessel reared like my horse
That had of oats a wealth;
It found it couldn't throw me, so
I thought I'd throw myself!

I thought of all the pleasant times
We've had together here;

I thought I ort to cry a bit,
  But couldn't find a tear.
The pilot bread was in my mouth,
  The golddust in my eye,
And though I'm going far away,
  Dear brothers, don't you cry!

I soon shall be in Francisco,
  And then I'll look around,
And when I see the gold lumps there,
  I'll pick them off the ground.
I'll scrape the mountains clean, my boys,
  I'll drain the rivers dry,
A "pocket full of rocks" bring home—
  So brothers, don't you cry!

Oh! California!
  That's the land for me!
I'm going to Sacramento,
  With my wash bowl on my knee!

It is reported that the *Sovereign of the Seas,* on coming up to the San Francisco wharf on her first voyage, was greeted by assembled thousands, who sang out,

O!Susannah, darling, take your ease,
  For we have beat the clipper ship,
The *Sovereign of the Seas.*

So popular was the tune of "O! Susannah" that even the native boatmen used it to accompany the poling of their canoes on the Chagres River, while crossing the isthmus.

To many a disappointed digger there was more truth than poetry to the song "Miner's Lament," beginning with these plaintive lines:

I've just come down from the mines
  Where for months I dug and toiled,
In searching for that yellow dust,
  Till all my clothes were spoiled;
I've picked and dug, and packed and lugged,
  And every honest scheme I've tried on,
Till hunger made me eat at last
  The mule I used to ride on.
    With a whack.

Real pathos is to be found in "The Shady Old Camp" (to the air of "Ben Bolt."):

Oh, don't you remember the shady old camp
That stood by the side of the brook,
Where we lay on the ground after many a tramp,
And the fire-place where we used to cook?
The shady old camp has gone to decay,
And the ham-bone has dropped from the pin;
The roof and the door have rotted away,
And the chimney has all tumbled in.

The roof and the door both have rotted away,
And the chimney has all tumbled in

Oh, don't you remember the well-beaten trail
That led from the camp to the spring,
And the potpies we made of the squirrel and quail,
And the evenings when we used to sing?
The trail and the spring we shall see them no more,
Though never forgot till we die;
The shady old camp, with the ground for a floor,
Forever, we bid thee good-bye!

Nowhere were the true principles of hospitality more faithfully observed than in the rude tents of the gold diggers. A spirit of good-fellowship characterized the members of the cosmopolitan society of the mining camp—a robust type of very real democracy was everywhere in evidence. Bayard Taylor bears excellent testimony:

> . . . in no part of the world have I ever seen help more freely given the needy, or more ready coöperation in any humane proposition. Personally, I can safely say that I have never met with such unvarying kindness from comparative strangers.

Sunday was observed as a rest day; but it frequently brought uneasiness, for, in Bancroft's phrase, it was "made the scape-goat of all the other days." With doubtful moderation he continues:

> It was then that miners washed, baked, and mended; on Sunday those who dug at distant camps came to town for their week's supply. Their drudgery done, all hands turned their attention to deviltry; some even neglected distasteful duties that they might more wholly consecrate the day to Satan.

On the other hand, the prosperous miners were extraordinarily generous to the faithful preacher. Walter Colton professed to know five men who had never contributed to the support of a clergyman in "the States," who subscribed here five hundred dollars each per annum, "merely to encourage, as they termed it, 'a good sort of thing in the community.'"

The life of the early gold miner was a life of intense toil, as is well attested by Bayard Taylor and other actual visitors. "This is the last country," wrote Colton, "to which a man should come who is above or beneath the exercise of his muscles." No one has more graphically visualized for us the manner in which he worked or the vicissitudes to which he was exposed than Mrs. Bates, who, being a woman, had perhaps more sympathetic appreciation than any masculine observer could be expected to feel. Of him she thus writes:

> Before the first dawn of light breaks upon the sky above him, he opens his eyes, rolls over on his hard bed, stretches his stiffened limbs, and, feeling about for his boots, places his hand upon something resembling an icicle, into which his feet are thrust, and the labors of the day commenced. He kindles his fire, (that is, if he boards himself,) fills and sets on the coffee-pot, fries his "flap-jacks" and his pork, or warms up his beans, and the morning repast is prepared. It is then quickly eaten; and, by the time it is daylight, the miner is beside his tom. The water is let on, and in half an hour's time he is standing ankle-deep in it, while, every few minutes, a dash of it is accidentally sprinkled upon his back. A hard day's work of this kind is not infrequently closed by the paltry reward of one, two, or three dollars, to be di-

> vided between the last named number of men. And this approximates, more nearly than all other histories, to the truth of mining. The "big strikes" are always heard of first, because the good news is published, while the bad is deemed worthy of no such distinction. From this cause thousands of people meet with disappointment, and write back to their Atlantic friends, reviling a country the noblest for its climate, soil, and business advantages, of any under the broad canopy of heaven.

Such were the hardships at the mines—the cold, heat, exposure, and insufficient diet—that there was little hope of success for any but the strong, healthy, and industrious.

SUNDAY IN THE MINES
(From Pictorial History of California.)

All too few were the pure and virtuous American women who were to be found in the early mining camps of California. To that "mass of unkempt men, clad in flannel shirts and heavy boots," there was no greater need than for the presence of noble, high-minded women. Of the females who were present it must be confessed that the base and immoral predominated—and these convened in "gilded halls of iniquity," bent on pursuing "their soul-killing vocation." Many a lonely, victimized miner was robbed, in a den of infamy, of his last ounce of dust, which he had been weeks or months in accumulating and which should have been transmitted to his distant eastern home. The comparative absence of good women with their influence of restraint and refinement added to the natural restlessness when every day brought fresh reports of new and richer

fields in other diggings, keeping all in a perpetual state of excitement. Change followed change with such startling rapidity that some new surprise became "a usual morning experience." After the first months of the great rush of 1849, however, many of the adventurers were happily accompanied by their wives, while others, who had been fortunate, sent for their families; so that before the actual admission of the State into the Union in 1850 home life among the Americans was by no means so rare, though for years afterward the disparity between the sexes was very marked.

Such was the life, such were the ways of the throngs of gold hunters, assembled from all parts of the United States and every quarter of the globe, pressing eagerly, expectantly into each nook and cranny of California in search of the yellow metal, building cities over night, establishing agencies of justice on their own initiative, seeking amusement often in outlandish ways, given to excessive gambling and boundless hospitality; but through it all, toiling, incessantly toiling on. Walter Colton, one of the best of all contemporary observers, has left us this picture:

> Some fifty thousand persons are drifting up and down these slopes of the great Sierra, of every hue, language, and clime, tumultuous and confused as a flock of wild geese taking wing at the crack of a gun, or autumnal leaves strown on the atmospheric tides by the breath of the whirlwind. All are in quest of gold; and, with eyes dilated to the circle of the moon, rush this way and that, as some new discovery, or fictitious tale of success may suggest. Some with tents, and some without; some have provisions, and some are on their last ration; some are carrying crowbars; some pickaxes and spades; some wash-bowls and cradles; some hammers and drills, and powder enough to blow up the rock of Gibraltar—if they can but get under it. . . .

The early California miners were indeed a motley, albeit a virile population. As a composite their character seemed full of strange contradictions, their life wierd and paradoxical. In them extremes literally met and blended. The lucky digger succeeded in making "quite a pile;" many a one had the experience—in some instances oft-repeated—of being "flat broke;" all talked longingly about going back "to the States." But out of the hordes that came the lure of the country itself caught some—and such remained to become builders of a great commonwealth.

CHAPTER XVII

LEGAL STATUS OF CALIFORNIA, 1846-49[1]

The United States in its federal capacity is required to guarantee to every state in the Union a republican form of government. This implies the establishment of some government within each state, and hence a constitutional convention. New states to be formed out of territory of the United States, organized under its authority or acquired in an organized condition from foreign states, call for a second class of constitutional conventions to frame constitutions for such states. Such conventions are in pursuance of enabling acts of Congress.

But there is yet another limited variety of conventions including such as have been convened by the inhabitants, or the temporary governments of organized territories, irregularly, without enabling acts of Congress. Among those of this last, or irregular, class, the California Convention of 1849 has sometimes been mentioned. Certainly the California Convention was somewhat irregular; but it is well known that previous to the Convention, California was not an organized Territory of the United States; also that the Convention was not convened at the free instance of the inhabitants. Not only so, but it will plainly appear that the conditions under which the first California Convention was held were wholly without exact precedent.

Whatever may have been Frémont's real motives in connection with the Bear Flag Revolution, it is certain that his followers had little intention of erecting a permanent republic on the Pacific Coast, but that for the most part they were ardent Americans. The anomaly known as the California Republic was, as an independent government, insignificant and extremely short-lived.

As soon as the Stars and Stripes were unfurled over the land, the Bear Flag party gladly abandoned all thought of an independent revolution—the Bear Flag itself was superseded by our national ensign. Commodore Stockton, who had arrived on July 15, succeeded Sloat, at the latter's request, as commander-in-chief of all forces and operations on land, assuming active command on the date of Sloat's departure. Sloat was thought to have lacked sympathy with the American revolutionists, and his conservative policy forbade his utilizing the forces of Frémont; but Stockton, without further governmental orders, immediately adopted

[1]Acknowledgment is made to the *Annals of the American Academy of Political and Social Science* for permission to use excerpts from my article of November, 1898.

an aggressive policy, and decided to extend the occupation to the south territory. He accordingly organized Frémont and his band as the California Battalion of Mounted Riflemen Volunteers, which proved instrumental in completing the conquest. Thus, then, while war was in progress between the United States and Mexico, the Mexican province of California was taken military possession of by United States forces under Commodore Stockton and Colonel Frémont.

On assuming command, Commodore Stockton had issued an address to the people, which in its tone was an offensive declaration of martial law. This address neither embodied the views of Commodore Sloat nor did it conform to the governmental policy at Washington. It was the fixed purpose of the administration at Washington to retain this country and make of it a permanent part of our national territory. Stockton, if one could judge from this address, did not care to make California a Territory of the United States; nor did he appear to desire any of its land for his government. He scarcely gave a hint that it was to be held until a treaty should be concluded between the United States and Mexico.

California was now conquered territory. As such it could of course have no determinate status on a peace basis while war with Mexico continued; nor was it yet a part of the United States territory, except as a temporary military possession. The Department of California was conquered territory subject to temporary military control. Now conquered territory, according to a well-defined principle of international law, regularly retains its prior municipal institutions, the conqueror being authorized to ordain needful temporary laws and regulations. This was the view, in the main, held by President Polk; although in Congress adherence was shown to widely divergent views. Accordingly the laws of Mexico which had hitherto obtained in California should have been continued by the military rulers of the country. Indeed, this principle was distinctly proclaimed by Commodore Stockton, who, on August 17, 1846, issued from Los Angeles a proclamation to the people, in which he said, in part:

> The flag of the United States is now flying from every commanding position in the Territory, and California is entirely free from Mexican dominion. The Territory of California now belongs to the United States, and will be governed as soon as circumstances may permit, by officers and laws similar to those by which the other Territories of the United States are regulated and protected. But until the Governor, the Secretary, and council are appointed, and the various civil departments of the government are arranged, military laws will prevail, and the Commander-in-Chief will be the Governor and protector of the Territory. In the meantime the people will be permitted, and are now requested to meet in their several towns and departments, at such time and place as they may see fit to elect civil officers and fill the places of those who decline to continue in office, and to administer laws according to the former usages of the Territory. In all cases where people fail to elect, the Commander-in-Chief will make the appointments himself.

This proclamation put in force at the same time two kinds of law, the one civil, the other military. Some persons deemed the one kind to be irreconcilable with the other; but the temporary existence of military rule is plainly not inconsistent with the perpetuation of the civil institutions and regular administration of justice of the conquered province. The military commander is clothed with certain civil functions; the civil laws and their officers receive their sanction from the military domination.

But while the civil law of Mexico was thus proclaimed, and the President assumed that a temporary government was in operation, as matter of fact Mexican law never was, and from the nature of the case could not be, put in full operation after the American conquest, and the military commander had not established any satisfactory civil government in its stead. Almost immediately after the conquest, the American inhabitants began to complain not only of the inadequacy and want of uniformity in the Mexican laws theoretically in force; but also of the actual absence of any rational system of law. This just complaint, rather feeble for a time, was destined to grow louder and more bitter from the moment of the conquest till the eve of the Constitutional Convention. As early as January 9, 1847, the *California Star* reflects the not uncommon feeling of dissatisfied uncertainty.

> "We hear the inquiry almost every hour of the day," writes Mr. E. P. Jones, the Editor, *"What laws are we to be governed by;* we have invariably told those who put the question to us, 'If anybody asks you, tell them you don't know,' because we were unwilling to express an opinion in relation to the laws in force in this Territory, knowing as we did that probably during the day the same persons would be told at the Alcalde's office or elsewhere that 'no particular law is in force in Yerba Buena. . . . and that all suits are now decided according to the Alcalde's *notions* of justice, without regard to law or the established rules governing courts of equity.'"

The alcalde was the sole judicial officer of California at this period. Among native Californians the functions of the alcalde had been perpetuated by tradition. One such office retained jurisdiction at each center of population. This jurisdiction had come to be exceedingly vague, variable, and uncertain in scope. The much talked of Mexican system of law, theoretically continued in full operation in California after the American conquest, was in reality narrowed down to the activities of a number of local alcaldes, the most powerful one being resident at Monterey, but each having an indeterminate status.

Walter Colton, who served with distinction as American alcalde of Monterey, has this to say:

> By the laws and usages of the country, the judicial functions of the alcalde of Monterey extend to all cases, civil and criminal, arising within the middle department of California. He is also the guardian of the public peace, and is charged with the maintenance of law and order, whenever and wherever threatened, or violated; he must arrest, fine, imprison, or sentence to the public works, the lawless and refractory, and he must enforce, through his executive powers, the decisions

> and sentences which he has pronounced in his judicial capacity. His prerogatives and official duties extend over all the multiplied interests and concerns of his department, and reach to every grievance and crime, from the jar that trembles around the domestic hearth to the guilt which throws its gloom on the gallows and the grave.

Inadequate as was this system of district judges under later Mexican rule, it was vastly more unsatisfactory, as well as positively distasteful, to progressive Americans. Very naturally, the native Californians in office were rapidly superseded by Americans, appointed by the military governor. The attempt to perpetuate this relic of Mexican law has indeed its picturesque side and gives rise to many a ludicrous scene. "But hard-headed American pioneers demanded a better system of government than the Mexican law gave them."

The alcaldes appointed by the governor were often very ignorant—even corrupt—men, and the best of them, while they had hard common sense conceptions of justice in general, were either wholly or largely incapable of properly exercising judicial functions in an enlightened country, because of their want of legal training and their ignorance of the unique conditions. In many instances judgments were based upon an imperfect knowledge of the statutes in one or other of "the States," especially if the particular alcalde was so fortunate as to possess in his scanty library even a single statute book from his native state. On the whole, however, there can be no doubt that, in the absence of a refined system of law, the alcalde, one of whose chief functions was mediation between disputants, played a most important and successful part in actual administration and development of the judiciary of California.

As Americans began to succeed Mexicans, or Spaniards, as alcaldes, the growth of American law was inevitably rapid. While theoretically the Mexican civil law continued in force, in fact the Americans, more especially the newly appointed alcaldes, had brought their own notions of common law principles and forms. At once a process of amalgamation was commenced, and very naturally the American law—not very accurately embodied or represented, to be sure—rapidly supplanted the obsolescent customs and procedure. To the Mexican system, for example, nothing like a trial by jury was known; but Colton summoned at the early date of September 4, 1846, the first jury in California, he having been in office scarcely a month. Although there seems to have been no official decree to warrant it, the jury was soon in common use, fairly well defined and understood, and sanctioned by the Governor.

Likewise it was inevitable that the English language would supplant the Spanish.

Commodore Stockton's purpose to organize a civil government in California on the completion of the conquest was thwarted by a serious revolt of the natives, to put down which involved considerable time and fighting and some bloodshed. Before the authorities were again in a position to undertake better civil organization, their plans were interfered

with by several important and unexpected events. General Kearny entered California late in November, 1846. The controversy as to the relative positions of Kearny and Stockton followed the battle of San Pasqual.

Who possessed the rightful authority to govern the conquered territory? The actual status of the country at the time of Kearny's arrival had not been—and could not be—anticipated by Kearny's instructions. Weakened and humbled at San Pasqual, his consciously delicate situation doubtless had much influence in deciding him to refrain from asserting his possible right to the chief command at that time. Stockton stated that he proffered Kearny the chief command, and that the latter declined it. Even assuming as established that Kearny originally had the right to command, it is easy to understand how under the peculiar circumstances Stockton might come to regard himself as possessing permanent precedence. So, when a little later Kearny asserted his authority, Stockton firmly refused to recognize it.

The controversy deepened. Kearny, having an insufficient command to enforce his claims, decided to await further instructions from Washington; it is certain that Stockton was generally recognized by the people as military commander and territorial governor until the date of his departure. On January 14, 1846, he had tendered to Colonel Frémont his commission as governor of the territory. For a term of perhaps fifty days Frémont, who had acted in direct disobedience to Kearny's orders, not admitting their binding force, was quite generally recognized as governor; during these days Kearny's claims were of course not relinquished. The situation is made graphic in an incident recorded by Oscar Shuck:

> As an illustration of the complicated state of affairs brought about by their jealousies and conflict of authority, that even the famous Frémont court martial . . . was unable to unravel, Vallejo received three communications dated upon the same day, from Stockton, Kearny, and Frémont, respectively, each signing himself 'Governor and Commander-in-Chief of California.'

Instructions came in February positively directing that the senior officer of the land forces (Kearny) should be civil governor. Then follows the Frémont-Kearny controversy, the upshot of which was the court-martial of Frémont, his conviction, and subsequent pardon.

On March 1, General Kearny, jointly with Commodore William B. Shubrick, then commander of the naval forces as Stockton's successor, issued a circular in which he formally assumed the governorship and designated Monterey as the capital. From Kearny's proclamation, accompanying the joint circular, is quoted a portion to show the status as he conceived it, and the good intentions looking to an organized government:

> The President of the United States having instructed the undersigned to take charge of the civil government of California, he enters upon his duties with an ardent desire to promote, as far as he is able, the interests of the country and the welfare of its inhabitants . . . It is the wish and design of the United States to provide for California, with the least possible delay, a free government similar to those in her other

> territories; and the people will soon be called upon to exercise their rights as freemen, in electing their own representatives to make such laws as may be deemed best for their interests and welfare. But until this can be done, the laws now in existence, and not in conflict with the constitution of the United States, will be continued until changed by competent authority; and those persons who hold office will continue in the same for the present, provided they swear to support that constitution, and do faithfully perform their duty.

This proclamation seems to have had the immediate effect of encouraging the Americans to look for the peace and tranquillity which should follow upon the establishment of the civil government expected.

But the civil government, now so long anticipated, was not yet forthcoming; affairs continued in their extremely uncertain and almost chaotic state. Honest seekers after laws were unable to find them; the desideratum of exact statutes was unattainable to those common-sense pioneers. An interesting editorial, on "The Laws in Force," in the *California Star* of March 27th, says, in part:

> Some contend that there are really no laws in force here, but the divine law and the law of nature, while others are of the opinion that there *are* laws in force here if they could only be found . . . Both sides, however, seem to agree that the 'former usages' have been in force . . . We have not been able to discover any traces of written law particularly applicable to this territory except the Bandos of the Alcaldes which could not have been intended to apply to any except those within their jurisdiction. We have frequently heard it stated that there are general written laws of the people of the whole territory, but we have not as yet been able to discover their 'whereabouts.' . . . It seems to us that the continuance of the former laws in force, when it is impossible to produce them in any court in the country, or for the people to ascertain what they are, will be productive of confusion and difficulty.

Civil government to the non-Spanish reading Americans in California at this period was obviously entirely wanting as an objective reality. The growing dissatisfaction did not pass unexpressed. Ominous murmurings began to be heard, and the alleged right of self-government found frequent utterance.

On May 31, 1847, General Kearny left Monterey on his return to the United States, being succeeded in military and civil command by Col. Richard B. Mason, who was thus military commander with full power to establish temporary civil government in California. A single sentence from Secretary Marcy's letter of instructions will serve to indicate his position as contemplated by the administration.

> Under the law of nations the power conquering a territory or country has a right to establish a civil government within the same, as a means of securing the conquest, and with a view to protecting the persons and property of the people, and it is not intended to limit you in the full exercise of this authority.

Pending the establishment of a temporary civil government, the territory was plainly under military rule, and it is an unmistakable inference from his correspondence that Mason considered the supreme power vested

in himself as senior military officer. He heard the clamors for better organization, he recognized the needs of the American settlers as well as the disaffection of the Californians; but he felt the strictures of his own authority, and assumed, perhaps wisely, a conservative attitude. He expected within a very short time to "have the good tidings of peace," which should bring the certainty that California would forever belong to the United States. While proclaiming the continued existence of former institutions and usages as his predecessor had done, he virtually acknowledged his ignorance of the most important one; and so the alcalde was continued in the exercise of increasingly elastic and indefinable powers.

But notwithstanding the fact that Colonel Mason faithfully studied the situation, it became more and more evident that, while the war with Mexico should continue, no satisfactory organization on the old Mexican basis could be reached in California. No action in Congress was now longer reasonably to be expected. Mason, as military ruler, maintained a stricly conservative policy, and hoped for tidings of peace. Meanwhile, he set about discovering and formulating the principal features of Mexican law applicable to the country at the time of the conquest. A few days before the news of peace reached him, he had ready for publication a code of laws "for the better government of California." This code, a volume of 140 pages, is said to have been printed in the English and Spanish languages; but on receipt of tidings of peace, Governor Mason withheld its distribution, and so the much-talked-of but ever invisible "former laws and usages" of Mexico, theoretically in force in California, were destined to remain undiscovered to the eager Americans —nor was any attempt ever made to enforce the laws thus codified and thus withheld.

The territory of California was, then, under strict military rule during that period of Mason's governorship, ending with the tidings of peace between the United States and Mexico, received August 6, 1848. Under the military rule the American settlers became exceedingly restive; their murmuring became ominous growling and bitter complaint. The newspapers of the day reflect the general discontent:

> "Who has the right, military or civil," demands the *Star*, "to trample on justice so wantonly? . . . We will write for the reading of mankind, that never a government, under the forms of freedom, which so far departed from wisdom and justice, as the government of the United States in Upper California."

The very absence of fixed, well defined, and generally understood law evoked the loudest complaints. As the months passed, as immigration increased, as the country became gradually developed—all without a uniform system of law and with a government which no one understood —the Americans conceived their already grievous wrongs greatly aggravated; and hence the situation, already long unsatisfactory, was fast becoming critical. The more radical of the settlers began vigorously to denounce the early officers of the conquest and violently to assail the

military government; and under the highly disturbed and half-chaotic condition of affairs, there naturally was incitement toward the movement of popular government:

> "'Tis time, indeed," exclaims the petulant agitator, who in the *Californian* oddly enough signs himself "Pacific," "for the people to speak out, when our every right and privilege is allowed to be assailed and invaded with impunity, and we debarred the medium of redressing these in the temples of Justice; the base and counterfeit pretensions of the latter with us, being but a mockery to the sacred character of law, truth, and right."

Even the conservative "Sober Second Thought" admits that something ought to be done towards developing a civil organization of government; but he denies the whole of the sweeping assertion just quoted, while allowing that "less evils or wrongs have created revolutions, by which empires have been overturned, governments destroyed."

The discovery of gold early in 1848 was an event not calculated to mitigate the gravity of the situation. Some sort of law was made absolutely imperative by the great influx of gold hunters from all nations. The discovery gave enormous impetus to the movement toward popular organization, especially state organization, and proved to Congress the futility of dallying longer with the question.

We have now followed the main current of political events from the American conquest to the ratification of the treaty of peace between the United States and Mexico. The California Republic, proclaimed by Frémont, was nominal, short-lived, and, as a separate government, insignificant. The succeeding governors from Sloat to Mason held office by virtue of military, or naval, rank. While the administrations of these succeeding rulers varied in efficiency, while their instructions usually allowed wide discretionary powers and were not always consistent, and while local conditions were constantly and materially changing, there was always military domination, under forms varying from merely nominal authority to strict martial law, up to the moment the treaty was ratified. Under this dominion and deriving its sanction from it, was the effete, unsuited, and increasingly unsatisfactory civil government, previously existent in the province, and now imperfectly perpetuated. Although the later military governors especially were given full power to establish a suitable temporary government, no such government was ever put into actual operation.

The treaty of Guadalupe Hidalgo was concluded on February 2, 1848. The treaty being duly ratified on May 30, the territory of California was ceded to the United States, of which it became as completely and entirely a part as any other part of the Union. Obviously there could be no change apparent in the government of the territory until after August 6 when tidings of peace was received in California; but technically speaking, from the moment of the ratification of the treaty the military rule was at an end. California now entered her most critical period, the period justly characterized as the "No-Government Period."

In his proclamation announcing the treaty, Mason takes an extremely hopeful view of the situation and believes that—

> Instead of revolutions and insurrections there will be internal tranquillity; instead of a fickle and vacillating policy, there will be a firm and stable government, administering justice with impartialty, and punishing crime with the strong arm of power.

He is fully convinced that Congress will soon confer upon the people the "constitutional rights of citizens of the United States," that a regular territorial government will be an accomplished fact; and "there is every reason to believe," he adds, "that Congress has already passed the act, and that a civil government is now on its way to this country, to replace that which has been organized under the rights of conquest."

Unfortunately, the civil government was not so near at hand. California was destined to continue through many trying months practically without any organized form of government. The great immigrations to the land of gold had begun, for California had become the "focus of the world's attention," and, in the words of Professor Josiah Royce, was "to be morally and socially tried as no other American community ever has been tried." Mason continued as *de facto* head of the *quasi*-civil government under military rule, in daily expectation of instructions and a congressional scheme for territorial organization from Washington. He admitted that the territory was without civil government, and yet keenly awake to the conditions as they then existed and realizing that at least a show of authority must be maintained, he suffered technicalities to give way to practical common sense, judiciously applied.

The first session of the Thirtieth Congress adjourned August 14, leaving California in an anomalous condition. This fact was fully recognized by the President, who announced through Secretary Buchanan the existence of a *de facto* government, justifying it by the "great law of necessity."

> "The termination of the war," wrote the Secretary, "left an existing government, a government *de facto,* in full operation; and this will continue, with the presumed consent of the people, until Congress shall provide for them a territorial government."

In November, before it was known in California that Congress had adjourned without providing for her government, Commodore Jones arrived and held a conference with acting Governor Mason. Both were impressed with the necessity of immediate action, and they agreed that, in default of the arrival of the long expected territorial government, the people should be encouraged to appoint delegates who should "frame laws and make other necessary arrangements for a provisional government of California." The arrival of the *St. Mary's* shortly after this conference, with the news of congressional failure to provide, settled the question of territorial government during 1848.

Secretary Buchanan, in his open letter to the people, advised them "to live peaceably and quietly under the existing government"; but to

those conversant with the character of that *de facto* government and the rapidly shifting conditions—and to none more certainly than to Colonel Mason himself—it was perfectly obvious that to comply with Buchanan's request was daily becoming more difficult, and fast approaching the impossible. Even before the letter arrived, the people had begun to act upon their convictions. The "uncertain, amphibious character" of the ruler and his strict adherence to a conservative policy, the vast influx of an extremely heterogeneous population, the daily augmentation of the criminal class and increase of depredations upon life and property, and the impotence of the half-Mexican, half-American judicial system are among the causes which appealed to all good citizens to be active in the organization of some suitable government with the least possible delay. The first preparatory movement of the kind was an enthusiastic meeting of the citizens of Pueblo de San José, December 11th. Provisional government meetings, after the first of December, were frequent in San Francisco, San José, and other leading centers. The sentiment in favor of a popular provisional government seems to have been practically unanimous among the thinking people. Stirring resolutions, drafted by some of the best legal talent in California, were adopted. The San José meeting recommended that a convention "for the purpose of nominating a suitable candidate for governor" and for other suitable business be held at that pueblo on the second Monday in January, 1849. At San Francisco a similar recommendation was adopted, the date of the proposed convention being fixed at the first Monday in March, 1849.

> The people of the District of San Francisco. . . . believing that no government in the world claiming to have even the semblance of one was so vague, uncertain, shapeless, and inefficient as the one thought by some to exist [there] . . . met in mass meeting on the 12th day of February, 1849, and established a temporary government for the District of San Francisco.

Thus the Legislative Assembly of San Francisco, comprising among its fifteen members the ablest local representatives of the Settlers' Theory of the legal status of California, sprang into existence, with motives whose patriotism cannot be impeached and members most honored in California's annals.

Scarcely had the first members of the San Francisco Legislative Assembly been elected when General Persifor F. Smith arrived in California and superseded Colonel Mason as military commander of the division of the Pacific. He did not directly interfere with the local action of the Assembly in San Francisco, but replied to its letter soliciting his sympathy and support in a somewhat non-committal manner. But he adhered to the opinion of the national executive that the government previously existing in California continued as a *de facto* government, that Congress had exclusive power of legislation for the territory, and hence that no other power—as the people, on their own initiative—could legally establish a Territorial government. Congress was nearing the

close of its short second session, and some solution was yet hoped for from that body.

On April 12 the *Iowa* landed with General Bennet Riley on board, who on the following day relieved Colonel Mason as acting governor of California. General Riley's temperament and moral qualities fitted him preëminently for the difficult position he was now to occupy. He was about fifty-six years old, was amicably disposed, but he knew how to obey orders. On assuming command of the civil affairs it was his intention to complete the organization of the existing government and to call a convention "for forming a State constitution, or plan of Territorial government, to be submitted to Congress for its approval." But on further consultation, he deemed it best to postpone all such action until it might be ascertained what Congress had done in the short session. When the information that the national legislature had again adjourned without making any provision for the civil government of California, he issued a proclamation to the people, June 3, 1849,

> defining what was understood to be the legal position of affairs here, and pointing out the course it was deemed advisable to pursue in order to procure a new political organization better adapted to the character and present condition of the country.

In this proclamation, which had doubtless been in contemplation for some time, and which showed a careful study of the situation, Riley appointed the first day of August, 1849, as the day for selecting delegates to a general convention which should convene in Monterey on the first day of September following and proceed to form a state constitution or a plan for territorial government.

In the meantime General Riley had been made aware of the existence and force of the San Francisco Legislative Assembly, which in the absence of government—as it claimed—had been assuming new and extended powers. It did not recognize any *civil* power as residing in Riley, a military officer, but deemed itself entitled to frame a temporary government for the protection of life and property in the district, and to coöperate with the other districts in the movement toward popular organization. At this period, as throughout its short but useful career, the Assembly was a loyal American body, numbering among its members several of California's most patriotic pioneers. The *Alta California* makes a strong case in its justification of the existence and legislation of the Assembly. The editor says, June 14, 1849, in part:

> But whatever may be the final decision of the public . . . we wish it distinctly understood that this whole scheme, from its inception to the present time, has sprung from a desire on the part of the prime movers to promote the public good. It was not to overturn law—it was not to advance the interests of a faction—it was not to spread anarchy and dissention—it was not to injure any man in his rights or interests, that this legislative Assembly was created; but it was to establish and maintain public order and public good.

The Assembly had interfered with the inadequate and imperfect judiciary of the district, and, among other acts, had violently deposed the corrupt alcalde and created and filled other offices.

Considerable excitement was produced by the information that Congress had the second time failed to provide a government for California. This was greatly aggravated by the information that Congress had not failed in the early morning of March 4, 1849, to pass an appropriation bill extending the revenue laws of the United States over the territory. San Francisco was made a port of entry, and James Collier was appointed collector. Monterey, San Diego, and Yuma were made ports of delivery. Thus a complete revenue system was authorized, but no provision was made for a frame of government. The first custom house provisions were markedly inadequate. That department of the government was characterized by the "insolence of the officials and the arbitrary demeanor of the autocratic collector." It was charged that the collector of the port of San Francisco who for a short time preceded Collier kept no account of the receipts or expenses. Without any book entry, the moneys were put into sacks which, upon being filled, were placed under the counter until called for at Washington.

Furthermore unjust and discriminatory taxes were levied by the custom house officials upon such common articles required by the people as food, ploughs, anvils, blankets, and even the "nails that bound your coffin." What made the matter worse was the scarcity of specie—a condition not remedied by the use of gold dust, for this, if we can believe so careful an observer as Walter Colton,

> was extorted at ten dollars an ounce, and forfeited at that arbitrary valuation if not redeemed within a given time (and) it went into the clutches of our government at ten dollars, when its real value to our mints is eighteen dollars. If this be not robbery, will some one define what that word means? It was worse than robbery—it was swindling under the color of the law. All this has been carried on against a community without a representative in our national legislation, and without any civil benefits in return.

This could not result otherwise than in strengthening the local sentiment for an adequate state organization. New use was found for the pre-Revolutionary slogan by the sturdy Anglo-Saxons in California, who, indeed, complained that they were to be taxed not only without their consent but even without the protection of the taxing power. A public meeting being straightway held, a special committee, with Peter H. Burnett as chairman, prepared an address protesting against the injustice of taxation without representation. The address declared:

> For the first time in the history of the 'model Republic' . . . the Congress of the United States . . . have assumed the right not only to *'tax us without representation,' but to tax us without giving us any government* at all.

The Assembly, through the committee's address, again took occasion to assert what it considered its undoubted right:

> It is the duty of the government of the United States to give us laws; and when that duty is not performed, one of the dearest rights we have left, is to govern ourselves.

Acting upon this supposed right, the Assembly recommended a general convention to be held at San José on the third Monday in August,

> with enlarged discretion to deliberate upon the best measures to be taken; and to form, if they upon mature consideration, should deem it advisable, a State Constitution to be submitted to the people.

Before this address had been published, Governor Riley, fully cognizant of the powers assumed by the Legislative Assembly and of its recent actions, issued a proclamation to the people of the District of San Francisco, pronouncing the "body of men styling themselves the 'legislative assembly of the district of San Francisco'" an illegal and unauthorized body, which had usurped powers vested solely in the Congress of the United States, and warning all persons "not to countenance said illegal and unauthorized body, either by paying taxes or by supporting or abetting their officers."

Now the committee's address, which had been adopted before the promulgation of Riley's proclamation to the people of the district, was not published until a few days after the promulgation of the same: thus there was an appearance of reckless defiance on the part of the Assembly which did not in fact exist.

But now, at last, in the middle of June, 1849, the opposing theories with reference to the actual status of California from the ratification of the treaty with Mexico on May 30, 1848, to the adoption of the Constitution on November 13, 1849, had been clearly defined and respectively defended in the territory itself. The two conflicting theories may be designated as the Settlers' Theory, sometimes called the Benton Theory, and the Administration Theory, sometimes called the Buchanan Theory.

The leading advocate of the Settlers' Theory at Washington was Senator Benton. In October, 1848, the New York *Courier and Enquirer* contained a letter from Benton, addressed to the people of California, in which he said;

> Having no lawful government, nor lawful officers, you can get none except by your own act; you can have none that can have authority over you except by your own consent. . . . I recommend you to meet in convention—provide for a cheap and simple government,—and take care of yourselves until Congress can provide for you.

Benton's recommendations to the people were substantially what the citizens were at that moment beginning in earnest to act upon. Among the settlers the sentiment was overwhelmingly in favor of the Settlers' Theory. In his *Recollections*, Burnett says:

> Among the lawyers of California who had been here long eonugh to understand the true merits of the controversy, there was almost an entire unanimity in the opinion that only a *de facto* government could exist in the country, based upon the consent of the people. This was the view of three-fourths of the inhabitants.

Much of the discussion was passionate and biased; but that the moral and political wrongs endured by California during these critical months, and even years, were without parallel or precedent in our Union, is perfectly patent. One cannot expect an entirely dispassionate discussion or a calmly judicial poise amid such stirring, shifting, practical scenes in a place of world-confluence and a time so justly characterized as the "No-Government Period."

Stripping the argument of all passion, the Settlers' Theory may be briefly stated as follows: The moment the treaty of Guadalupe Hidalgo took effect, the Constitution of the United States and American principles were extended over the acquired territory of California. Although no territorial system of American civil law has been regularly extended over or established in California, the Mexican civil law has been in fact superseded. Congress, whose primary power to legislate is admitted, failing to provide a territorial government, it is no usurpation in the people to legislate temporarily for themselves in self defense. As matter of fact, the government established during the war by virtue of the rights of war, was, at its conclusion, continued as *de facto* government; but, whereas it had before derived its authority from the rights of war, it now has no such source of power, but derives its authority from the "presumed consent of the people." A subordinate military officer can no longer legally fill the office of governor except by the sufferance of the people. While their presumed consent was "irresistibly inferred" by Secretary Buchanan in an *a priori* manner, it was historically entirely unreal; instead of consent, there was express dissent and repeated protest against the *de facto* government.

Again, since the President, through his secretary, "urgently advises the people of California to live peaceably and quietly under the existing government," the settler evidently believed that the people had a *right* to change it. Because of the extraordinary exigencies of the situation, the Legislative Assembly of San Francisco was rightfully and legally formed, and the communities of Sonoma and Sacramento followed the example, thus exercising temporary legislative power as the practical application of the rights implied by American citizenship.

Opposed to the Settlers' Theory was the Administration Theory, which was maintained by the last territorial governors of California, notably by General Riley. Riley states his position, which is in accord with his instructions, in his proclamation to the people given May 3, 1849. This theory may be briefly summarized: Under a general principle of the law of nations the laws of California, which were proclaimed to be in force after the American conquest of the territory, must, at the conclusion of peace with Mexico, continue in full force until changed by competent authority. That authority is vested solely in Congress. Hence, Congress failing to make other provision for the territory, the system of laws, defective as it is, which obtained under military rule, must insofar as they are not inconsistent with the laws, constitutions, and treaties of the

United States, continue in force under the civil government *de facto;* the commanding military officer, by virtue of a vacancy in the office of governor, is *ex officio* civil governor. The Legislative Assembly of San Francisco, or any similar body, therefore, purporting to represent the people and presuming to legislate for them, is an illegal and unauthorized body, having usurped powers vested solely in the United States Congress.

Without doubt, judged from a broad moral standpoint, the settlers were in the right, and would, on the social ground of self defense, have been justified in forming for themselves a temporary territorial government. Fortunately for state organization, as the event proved, they did not. On technically legal grounds, Riley's position was, in the main, probably the more nearly correct, although he, as *ex officio* governor, as well as the administration at Washington, failed to maintain complete consistency.

Shortly after General Riley's proclamation appointing August 1 as the date for the election of delegates who should meet in convention in Monterey, events took place which may serve at once to show the patriotism of the leading settlers and to give additional color to the legality of Riley's position. What the people wanted was an organized government; the end was paramount; the means secondary. Hence indications of satisfaction with and acquiescence in General Riley's plans began almost immediately to manifest themselves. The people of San José expressed their satisfaction June 7; other districts followed suit. The controversial points seem to have been waived by many, and popular interest in the question of legal status was fast waning.

On June 12, a committee of five from the San Francisco Legislative Assembly had been appointed to correspond with other districts relative to the proposed general convention of the people on their own authority. The committee, representing the stronghold of the Settlers' Theory, viewing the changing situation and recognizing the importance of success in the one desire of all parties, recommended, in a straightforward letter, the propriety "of acceding to the time and place mentioned by General Riley in his proclamation, and acceded to by the people of some other districts." This concession, the committee held, was not one of principle, but a matter of mere expediency, for they still refused to recognize any rightful authority to *appoint* times and places as residing in General Riley.

Thus the controversy was practically at an end, and with it died the mild revolution by the fiat of the people who had made it. The *Alta California,* July 12, published the resignations of Francis J. Lippitt from the Legislative Assembly and William M. Stewart from judicial offices given by the Assembly. The next week it records the downfall of the Assembly itself. The members "were unwilling to use the powers vested by the people in them for the production or perpetuation of civil strife." The general acquiescence in the plans of General Riley and in the time and place named by him for the constitutional convention marked the emergence of California from a period of most remarkable internal dis-

quietude, characterized, however, by extremely little violence, and left little doubt of speedy and satisfactory organization.

In the early spring of 1849 Mr. Thomas Butler King had been sent as secret agent of the government to California to acquire the fullest possible information and to urge the people to give themselves a state constitution that they might petition Congress for admission into the Union. King arrived in California at the time when Riley's proclamations were being issued. Here we come upon one of the happiest coincidences of California's history. The leading settlers of the territory loyally acquiesced in the *de facto* governor's plans, which also were thus approved by anticipation in Washington—for Riley had resolved on calling a convention of the people's representatives before the arrival of King.

The coming convention was now the one theme of discussion—so far, indeed, as all political discussion was not lost in the gold excitement. For the few intervening months before its assembling, the Mexican system of law must be put in operation. In order that it might be known, as well as possible, what the law really was, a translation and digest of such portions of the Mexican laws as were supposed to be still in force was prepared by Secretary Halleck and Translator Hartnell, and three hundred copies were, on July 2, ordered for distribution among the officers. In the south this of course worked naturally, but it was "decidedly awkward" in the towns and among the miners of the north. As a mere temporary arrangement, while the country was being flooded with immigrants, it gave moderate satisfaction.

The constitutional convention was at hand; this tardy digest excited little popular attention, few but lawyers cared to antagonize it. Complaints and pessimism were passing away; the glittering prospect of the new régime now at last amounted to assurance; it may almost be said to have been ushered in antecedently to the one event which made it actual—namely, the making of the Constitution.

CHAPTER XVIII

THE CONSTITUTIONAL CONVENTION OF 1849[1]

General Riley's proclamation set apart the first day of August, 1849, for the election of delegates to a general convention, which should form a State Constitution or a plan for territorial government. The convention was to meet on the first of September, in the town of Monterey, California's early capital. To the Spanish population of the south the proclamation was comparatively unintelligible; the people of San Francisco —as already pointed out—inclined at first to dispute Riley's right to issue the call; and the miners at the north could hardly be supposed to interest themselves in political or civil affairs. But the necessity for organization was patent, the desire for better government was strong.

Generals Riley and Smith and Thomas Butler King stimulated the people by every means to hold preparatory meetings. In some districts scarcely any steps were taken until a few days before the election, but for the most part the efforts were successful. The prospect for success, at first doubtful, improved as election day drew near. The native Californians showed unexpected cordiality of sentiment. San Francisco laid reluctance aside, and even the miners began casting about for suitable candidates. The amount of interest actually manifested was far beyond what had been anticipated.

The election of delegates proceeded, with fair regularity, on the day appointed. In one or two instances the election was not held on the exact day; but the delegates were nevertheless admitted. The delegates were elected by the scheming of no political parties nor combination of interests: competent men were sought.

The convention proceeded to organize on Monday, September 3. The meeting place was the upper story of a spacious building of yellow sandstone, known as Colton Hall, perhaps the only building in California well suited to the purpose. Bayard Taylor describes the hall:

> it [the stone] is of a fine yellow color, easily cut, and will last for centuries in that mild climate. The upper story in which the Convention sat, formed a single hall about 60 feet in length by 25 in breadth. A railing running across the middle divided the members from the spectators. The former were seated at four long tables, the President occupying a rostrum at the further end, over which were suspended two American flags and an extraordinary picture of Washington, evidently the work of a native artist.

[1] Acknowledgment is made to the Johns Hopkins University Press for permission to use excerpts from my study *The Genesis of California's First Constitution* (1846-49) in Johns Hopkins University Studies in History and Political Science, August, 1895.

Kimball H. Dimmick had been appointed chairman *pro tempore* and Henry A. Tefft secretary *pro tempore*.

The first question was on the eligibility of delegates to seats in the convention and the apportionment of representation in the several districts. The greater part of two days was consumed in arriving at a satisfactory adjustment: forty-eight delegates were at length accounted regular members of the convention.

For the office of president there was considerable canvassing, the leading names mentioned being Dimmick, Boggs, Semple, Foster, Snyder, and Gwin. Numerous candidates presented themselves for the secretary-

THE STATE CAPITOL (COLTON HALL)
(From Pictorial History of California.)

ship. Doctor Robert Semple, of Sonoma, was duly elected president, and in his brief address he struck the key-note of the convention:

> "We are now, fellow citizens," said he, "occupying a position to which all eyes are turned. . . . It is to be hoped that every feeling of harmony will be cherished to the utmost in this Convention. By this course, fellow citizens, I am satisfied that we can prove to the world that California has not been settled entirely by unintelligent and unlettered men. . . . Let us, then, go onward and upward, and let our motto be, 'Justice, Industry, and Economy.'"

Organization was completed by the election of William G. Marcy as secretary and J. Ross Browne as reporter.

Here was a unique Constitutional Convention. Several nationalities were represented, but members of American birth were in the majority,

and it was to frame an American constitution that the delegates had come together. The convention was a body of men, not of national reputation or extraordinary learning, but disinterested, competent, and earnest. The body was raised above national prejudice and local interests by the honest and patriotic purpose which animated it. The personnel included many of those already most conspicuous by their endeavors to establish the commonwealth of the Pacific: the Constitution of 1849 was not the sudden creation of unintellectual gold hunters; it was made possible only by the men of solid sense who had profited by the controversies of the interregnum.

The framers of the constitution undertook their grave task amid extraordinary embarrassments and difficulties. The three leading classes of the population of California, *viz.*, the native Californians, the earlier English-speaking settlers, and the miners, held such divergent sentiments and were such utter strangers to one another, that it might well seem an impossible task to bring them to an agreement upon the fundamental law of an incipient state. Obviously anything like general discussion and a common understanding had been impracticable. It may be doubted if the members of any previous convention in the United States, with similar purpose, ever came together so totally unacquainted with each other and so entirely wanting in general concert of plans or policies of action. This much, however, they were agreed upon—that their task was to frame a government for the recently conquered and now almost wholly unorganized territory of California. Recent contests in Congress of unwonted violence and repeated failures to legislate, left no doubt that the situation was extremely delicate and would demand the utmost skill.

The difficult task fell to a body of perhaps the youngest men that ever met for similar purposes, José Antonio Carrillo, the oldest, being fifty-three, J. M. Jones and J. McH. Hollingsworth, the youngest, only twenty-five, and the average being thirty-six. There was a great dearth of books of reference in Monterey during the session of the convention. It was believed that there were not above fifty volumes of law or history in all the town. Fortunately, however, these included copies of many state constitutions—the delegates were not without precedents: Pacificus Ord remarked that he "had looked over the whole thirty constitutions." Iowa and New York were drawn upon most heavily by delegates.

The foundations of the new commonwealth were laid under adverse circumstances, yet with signal ability. The convention commanded respect as a dignified and intellectual body of earnest, honest men who did honor to California. Only through the largest concessions could unanimity be reached. The dignity of the occasion, the gravity of the task, and the importance of the result were appreciated by the delegates. Edward Gilbert gave expression to a common sentiment when he declared:

> The people will consider our acts in this Convention, and if they ratify them, those acts will go before the Congress of the United States, and not only there, but before the great public of the United States, and before all the nations of the world.

The Hispano-Californian delegates, seven in number, were treated with a high degree of respect, and to them were extended special courtesies. The proportion of native Californians to the Americans was about equal to that of the respective populations. General M. G. Vallejo, a man of commanding presence and dignified expression, was better acquainted with American institutions and laws than any of his kin. Of good Spanish family, educated and liberal, he enjoyed great popularity and was for years after the convention known as "the most distinguished of living Hispano-Californians." Perhaps none was more accomplished or better educated than P. N. de la Guerra, of Santa Barbara, who afterwards became a state senator. Carrillo was a pure Castilian, of strong character, intelligent, and somewhat prejudiced against Americans. Antonio M. Pico's face was expressive of shrewdness and mistrust. These, with Jacinto Rodriguez, Manuel Dominguez, and J. M. Covarrubias, comprised the native Californians. Miguel de Pedrorena was a native of Spain. Of the other foreign born delegates Captain John A. Sutter, a native of Switzerland, stood pre-eminent. One of the earliest of the pioneers, universally known, W. E. Shannon, a native of Ireland, showed ability as a lawyer; he it was that introduced into the Declaration of Rights the section against slavery. The voices of Pedro Sansevaine, of Bordeaux, and Hugo Reid, of Scotland, were scarcely heard on the floor of the convention.

Among the Americans were many incessant toilers, and few indeed had come with ulterior ambitious schemes. William M. Gwin, however, a Southerner of education and experience, seems to have come to California for the express purpose of seeking election to the United States Senate. He had served in Congress, had attained prominence in the Texas agitation, and had sat in the recent Constitutional Convention of Iowa. His experience in deliberative assemblies and knowledge of parliamentary usage gave him superior advantage; and his ability in debate, added to marvelous powers of leadership, give him exceptional authority as the ablest politician in the convention. Other southerners who figured conspicuously were M. M. McCarver, lately an Oregon farmer; C. T. Botts, a Virginia lawyer and good debater; Jones, one of the youngest members of the convention and of short residence in California; O. M. Wozencraft, a genial physician of scholarly habit, and B. F. Moore, of Florida, whose profession is set down as that of "elegant leisure!" Three of the most assiduous workers were Captain H. W. Halleck, Riley's secretary of state, who had rendered invaluable service in preparing the way for the convention, and who since became famous as a lawyer, author and general; Gilbert, the able young editor of the *Alta California*, to whom the people of San Francisco were indebted for excellent reports of the convention's labors; and Kimball H. Dimmick, a New York lawyer of three years' residence in California. Francis J. Lippitt, Myron Norton and W. M. Steuart will be remembered as leading members of the San Francisco Legislative Assembly, of good ability, and earnest advocates of good

government. Thomas O. Larkin is known as the "first and last American consul to California." Robert Semple, a five years' resident of the territory, proved himself a dignified and competent president of the convention.

The first regular session was "opened with prayer to Almighty God for His blessing on the body, in their work, and on the country." On the following day provision was made whereby the convention should be opened each day with prayer. The clergy of Monterey, consisting of the Rev. Padre Antonio Ramirez and the Rev. Samuel H. Willey, were requested to officiate as chaplains; and it was unanimously agreed "that the officiating clergy of this House be admitted to the privileged seats of the House."

The important preliminary question whether the assembly should proceed to form a state or a territorial government engaged the convention but briefly, when by a strong vote state organization was decided upon. A few of the delegates opposed state organization vigorously. These were for most part native Californians and old and conservative settlers from the south. Gwin observed, perhaps with insufficient warrant, that those members voting against state organization represented the districts south of 36° 30′ and that the "Representatives here from that region are unanimous in their votes against the establishment of a state government." The popular sentiment favoring the formation of a state had increased with remarkable rapidity, and for several months the organization as a territory under the United States Constitution had scarcely with seriousness been thought of by leaders among the Americans.

The machinery of the House was completed by the appointment of a Committee on the Constitution, of two members from each of the ten districts represented, with Myron Norton as chairman; and a Committee on Rules and Regulations, of five members.

On the day following its appointment, the Committee on Constitution reported a very unoriginal Declaration of Rights, of sixteen sections. After sundry changes, usually of an unimportant nature, had been made, Shannon of Sacramento, in accordance with a pledge previously given to his constituents, moved to insert, as an additional section:

> Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Surprising as it may at first appear, this vital section was, almost without debate, unanimously adopted. The preponderance of sentiment in the convention—much more in the territory at large—was undoubtedly in favor of a free state; but that not a vote was recorded for slavery is a matter for wonder, for fifteen members had emigrated from slave states. It is impossible to believe that the vast national bearing of this decision was then fully appreciated. It has been affirmed that this was the "pivot-point with the slavery question in the United States." The institution of American slavery had passed the zenith of its power, and henceforth was destined steadily to decline. The great Commonwealth of California,

entering the Union as the sixteenth free state, was to destroy forever the equilibrium between North and South.

The vote for a free state, however, by no means put at an end the question of slavery in all its phases. One of the most exciting discussions was on a section, introduced by McCarver, prohibiting the entrance of "free persons of color" into the state. Slave holders, it was urged in defence of the section, would bring their slaves to California and free them in great numbers for brief service in the gold mines. They would be a burden on the community, and would degrade white labor; for they were not only most wretched, ignorant, and depraved beings, but idle, disorderly, and unprofitable. It would be impossible to unite free and slave labor; the two races could never intermingle without injury to both.

On the other hand, members were reminded that the Constitution was "to be subjected to the scrutiny of all the civilized nations of the earth;" therefore they should not permit it to be said that they had atempted to arrest the progress of human freedom. The Declaration of Rights adopted excludes slavery; is it not manifestly inconsistent to debar any race of men from a free state? A freeman should not be denied the rights which have been awarded to all mankind. The Legislature might make whatever laws it sees fit; the Constitution should not provoke discussion in Congress, and thus "jeopard the interests of California."

McCarver's proposition was adopted in Committee of the Whole, but after further consideration in Convention, the proposed section was defeated by a large vote. It should be noted that the character of the sectional feeling brought to light by this discussion was not so much that between the Old North and the Old South as between the mining regions and the other districts, particularly San Francisco and San José. Old party lines were obscured and in some cases broken up; new lines were formed, revealing a cleavage based on the novel situation in California. The stronghold of the anti-negro party was the mining region.

When the section on corporations came under consideration, a most extraordinary opposition to banks was manifested. Lippitt offered an amendment which stripped the section of its more objectionable features, and, this being accepted, the section was adopted. Corporations were to be formed under general laws, but should not be created by special acts, except for municipal purposes. Little real disagreement had been shown, and a large part of the discussion was based on mere suspicion and prejudice against banks.

To provide a satisfactory and just system of taxation for California was obviously extremely difficult. The large Californian land holders of the south objected—not without reason—to a tax which, though nominally equal, they feared would fall almost wholly upon them, while the great shifting population of the north and in the mines would enjoy the benefits of a government supported by the few. The difficulty was overcome in part by Jones' amendment providing that assessors and collectors should "be elected by the qualified electors of the district, county, or town

in which the property taxed for State, county, or town purposes, is situated."

Considerable interest was manifested in the question of separate property for married women. Many of the arguments were positively amusing, and they throw a side-light on the social status of the country. The section as proposed, granting the wife power to hold separate property, was finally adopted. This is believed to be the first time that a section recognizing the wife's separate property was embodied in the fundamental law of any State. Kindred sections were those prohibiting the Legislature from granting any divorce and requiring it to enact a homestead law.

The debates on education showed a warm interest in that subject and great unanimity in favor of establishing a well-regulated system of common schools. No one could foretell positively what Congress would do; but assuming that in the matter of lands Congress would be as bountiful as it had been to Oregon and Minnesota, liberal provision was made for public education; and with excellent foresight the Convention set apart the income of certain lands for the establishment at some later time of a State University.

In the settlement of the Judiciary, the main point of disagreement was as to the monetary limitation of the jurisdiction of the Appellate Court. After a debate which stirred up considerable excitement, an amended section was adopted giving the Supreme Court "appellate jurisdiction in all cases when the matter in dispute exceeds $200.00." The Judiciary was made elective, and consisted of Supreme Court, District Courts, County Courts, and Justices of the Peace.

By far the most animated debate of the entire Convention, a debate which assumed a character of real interest and profound significance, was that upon the question of boundary. This contest, the longest and most strictly sectional of the session, came dangerously near to wrecking the Constitution.

California, as a Mexican province ceded to the United States, was of vast but not strictly defined territorial extent, embracing the great desert east of the Sierra Nevada and the fertile district inhabited by Mormons. In accordance with our treaty with Spain, the parallel of 42° formed the northern boundary; the Pacific Ocean formed the natural boundary on the west; and the line between Upper and Lower California, conformable to the treaty of Guadalupe Hidalgo, the boundary on the south; thus the great point in dispute was the eastern boundary line.

On September 18, the Committee on the Boundary, through Chairman L. W. Hastings, made its report, which was referred to the Committee of the Whole. Its opinion was that the extent of Mexican California, then estimated at 448,691 square miles, was entirely too vast for one State; and the eastern boundary recommended was the intermediate one of the 116th parallel. Sundry amendments, fixing as the eastern boundary

various lines, were proposed and considered. The disagreement was complete and apparently irreconcilable.

The main argument centered about the controversy between the party favoring the widest or full extent of territory and the party that wished to prescribe narrow limits. Gwin at once took a leading part in the contest by his amendment favoring the large extent. In defense of this it was urged that the Convention had met to form a Constitution for the whole of California, and it was not within its province to dismember the State. If the limit be placed at the Sierra Nevada, where were the inhabitants beyond, especially the thousands of Mormons, to seek justice? These should be included for protection; and besides, there might prove to be vast wealth in the great extent of territory. But, on the other hand, Semple argued that "it is evidently not desirable that the State of California should extend her territory further east than the Sierra Nevada," the great natural boundary. Such an immense territory as that proposed would be unwieldy, and could never be subjected to the operation of our laws. The great distances would require the legislators months of travel to reach the capital. Moreover, the thousands of inhabitants at the Salt Lake have no representation in this Convention and no recognition in the Governor's proclamation; they can not, therefore, be compelled to come within the State of California. California has no more right to include all this territory than the State of Louisiana had to include all the territory known as Louisiana. L. W. Hastings insisted that the South in Congress would never permit a State to settle the question of slavery for territory as large as all the Northern States in the Union; whereas it is "clear that that question is settled beyond dispute, if we establish a reasonable boundary."

Thus the debate continued; many members participated. It is evident that members had a very vague conception of the real extent of the territory they were endeavoring to include in the State. Probably none of the advocates of the larger boundary entertained the thought or desire that California would long retain all the territory described.

The actual bearing of the slavery question in the boundary discussion was tardily manifested; it was at first touched shyly and with great apparent reluctance. But as the debate proceeded, and more especially when the Committee's report was taken up in Convention, the real importance and application of the question began to be recognized, and sinister motives were charged.

> "It is a question," declared Tefft, "in comparison with which everything else that has been argued here is trifling. I believe gentlemen will see when our Constitution comes to be considered in the halls of Congress, that it is a matter of vital importance, not to California alone, but to our whole Confederacy. I do not wish to assume for this House of Delegates any greater degree of importance than it bears; but I do firmly believe that for the past fifty years no body of men have met together under circumstances which place it in their power to work greater weal or woe, not only to themselves and those whom they rep-

> resent, but to the whole Confederacy of which they form a part, than this Convention. It is now in their power to mark out the ground and provide the effectual means of quieting this agitating question of slavery. Without reference to party feeling at home, let us look at what is right and fair in the premises; and then, if we find that it coincides with views of good policy, and will have a beneficial influence in the Congress of the United States, let us proceed and adopt it."

Henry A. Tefft, who had but recently come from Wisconsin, entertained no doubt whatever that the extreme eastern boundary would "meet with the entire approbation of the Southern party," but the actual voting showed that a number of delegates who had immigrated from southern states opposed the extreme boundary. The desire to secure immediate admission into the Union was doubtless the motive that prompted a great majority of the delegates, even though they held widely divergent viewpoints.

The question being resumed in Convention in early October, Hastings' substitute, proposing an intermediate line running through the midst of the Nevada desert, was quickly adopted, and ordered engrossed for third reading. But John McDougal's motion to reconsider the motion to engross reopened the discussion and ended in a reconsideration of Hastings' proposition. The advocates of the Sierra Nevada boundary were now confident of success; but great was their consternation when the report of the Committee of the Whole was again concurred in. Upon the announcement of the vote, the utmost excitement and confusion prevailed on the floor. McCarver moved to adjourn *sine die*. Snyder shouted, "Your Constitution is gone! Your Constitution is gone!" The wrecking of the entire work of the Convention was narrowly averted.

But the vote to engross had not yet been taken; and by dint of prodigious activity the defeated party succeeded in securing a second reconsideration on the following day. Lippitt went from a sick bed to speak against the motion to engross, which was finally lost, and the proposition of Jones, fixing the present boundary, was then adopted by a large majority. Thus was settled the most vexed and exciting question of the Convention, the boundary controversy.

The arduous labors of the delegates were now at an end, the California Constitution was completed. It was Saturday, October 13, 1849, and the closing events of the Convention were of a highly dramatic nature. With the dawning of that day of beauty and sunshine dawned a new era for California.

The Great Seal of the State, which had been adopted after a short but interesting debate, was believed to be, as symbolic of the new State, most appropriate. The work was presented to the Convention by Caleb Lyons, but the real designer was afterward found to be Major Robert S. Garnett. The explanation accompanying the seal is as follows:

> Around the bend of the ring are represented thirty-one stars, being the number of States of which the Union will consist upon the admission of California. The foreground figure represents the goddess Min-

> erva having sprung full grown from the brain of Jupiter. She is introduced as a type of the political birth of the State of California, without having gone through the probation of a territory. At her feet crouches a grizzly bear feeding upon the clusters from a grape vine, emblematic of the peculiar characteristics of the country. A miner is engaged with his rocker and bowl at his side, illustrating the golden wealth of the Sacramento, upon whose waters are seen shipping, typical of commercial greatness; and the snow-clad peaks of the Sierra Nevada make up the background, while above is the Greek motto "Eureka," (I have found) applying either to the principle involved in the admission of the State, or the success of the miner at work.

It was ordered that certified copies of the Constitution in English and Spanish be presented to the Executive, and that 8,000 copies in English and 2,000 copies in Spanish be printed and circulated. The valuable services of Honorable Robert Semple, President of the Convention, were duly recognized by the unanimous adoption of a vote of thanks; and the kindness and courtesy which marked the intercourse of General Bennet Riley with members were likewise remembered. Provision was made for the transmittal to General Riley of a copy of the Constitution, with the request that he forward the same, at the earliest opportunity, to the President of the United States. The *Alta California* for November 22d gives us a graphic picture of the significant ceremony:

> At a few minutes past three, preliminary matters having been disposed of, the delegates commenced the signing. Scarcely had the first man touched his pen to the paper when the loud booming of cannon resounded through the hall. At the same moment the flags of the different Head-Quarters, and on board the shipping in the port, were slowly unfurled, and run up. As the firing of the national salute of *thirty-one* guns proceeded at the fort, and the signing of the Constitution went on at the hall, the captain of an English bark then in port paid a most beautiful and befitting compliment to the occasion and the country, by hoisting at his main the American flag above those of every other nation, making, at the moment that the thirty-first gun was fired, a line of colors from the main truck to the vessels's deck. And when, at last, that thirty-first gun came—*the first gun for California!*—three as hearty and as patriotic cheers as ever broke from human lips, were given by the Convention for the New State.

A most affecting part of the day's proceedings occurred after the Convention had adjourned *sine die*. The members in a body repaired to General Riley's house, where, after a cordial greeting, the pioneer among pioneers, Captain Sutter, on behalf of the Convention, expressed gratitude for the aid and cooperation given by the Executive. The General's reply was "a simple, fervent, and eloquent recital of a patriotic desire for the good of California," concluding with a rare tribute to his Secretary, Captain H. W. Halleck.

The Constitution was completed, and California was in effect already a State. The Americans were proud to have erected a great Commonwealth on the shore of the Pacific; the delegates of whatever nationality had now become CALIFORNIANS; the native members joined in the

spirit of the occasion, and were at last convinced that "they were conquered but to become the brothers and friends of the conquerors."

The salient features of the Constitution of 1849 are well known. It was advanced in character, liberal, and thoroughly democratic. The achievement admirably illustrates the great capacity of the American people for self-government under the most trying conditions. The docu-

GREAT SEAL OF CALIFORNIA
(From Pictorial History of California.)

ment embodies the principles of modern political and jurisprudential philosophers; it deservedly received the highest commendations from all sources as the "embodiment of the American mind, throwing its convictions, impulses and aspirations into a tangible, permanent shape." Contrary to the expectation of some of its framers, it endured for thirty years as the fundamental law of our great dynamic State. All honor to those earnest, loyal pioneers whose devotion led them to forswear the possibility of sudden fortune for the more enduring, more noble work of building a great Commonwealth!

CHAPTER XIX

THE EMPIRE STATE OF THE PACIFIC

Copies of California's Constitution, printed in English and Spanish, were quickly carried to every town and camp and ranch. Candidates for office took the field, political speeches began to be heard in the land, and with alacrity events took on the aspect of a typical political campaign. A stormy election day, November 13, was responsible for the light vote; but, as Governor Riley had anticipated, the Constitution was ratified by a vote that was almost unanimous. For the office of Governor, Peter H. Burnett received more than double the vote given Winfield S. Sherwood, leading opponent, and in the contest for Lieutenant-Governor, John McDougal was successful. There was as yet no clear alignment of party politics in California. Edward Gilbert and George W. Wright were elected Representatives to Congress.

The State senators and assemblymen elect were to meet in San José, the seat of the new government, on December 15. No quorum appearing on that day, however, there was an adjournment until the following Monday. On Thursday, December 20, 1849, the State government of California was actually established, Governor-elect Burnett was inaugurated, and Governor-General Riley issued the following:

PROCLAMATION

To the People of California

A new executive having been elected and installed into office, in accordance with the provisions of the Constitution of the State, the Undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connection with the people of this country, he would tender to them his heartfelt thanks for their many kind attentions, and for the uniform support which they have given to the measures of his administration. The principal object of all his wishes is now accomplished—the people have a government of their own choice, and one which, under the favor of divine Providence, will secure their own prosperity and happiness, and the permanent welfare of the new State.

Given at San José, California, this 20th day of December, A. D. 1849.

B. Riley,
Brevet Brig.-Gen. U. S. A., and Governor of California,
By the Governor: H. W. Halleck
Brevet Captain and Secretary of State.

Whatever legal objections might be raised to putting into operation a State government previous to the approval of Congress, General Riley judged that

> these objections must yield to the obvious necessities of the case; for the powers of the existing government are too limited, and its organization too imperfect, to provide for the wants of a country so peculiarly situated, and of a population which is augmenting with such unprecedented rapidity.

California was a State, but had not gained admission to the Union. Our delegation to the Federal Government, including Frémont and Gwin, who had been duly elected by the Legislature to the United States Senate, and Representatives Gilbert and Wright, set out in January, 1850, for Washington, and in March they laid before the two Houses certified copies of the new Constitution, together with their credentials, and in a long memorial requested "in the name of the people of California, the admission of the State of California into the American Union."

In a message to both houses the new governor announced that the first question for determination was "whether the legislature should proceed at once with the business of legislation or await the action of Congress on the proposition of admission into the Union." He favored such action, on the ground that it was among the powers reserved of necessity to the states. He perceived that it was encumbent upon the first legislature to accomplish a vast amount of work, including the adoption of civil and criminal codes and of a system of state taxation and revenue. Much depended upon the conduct and accomplishment of the first legislature.

The Senate of the Assembly set vigorously to work, remaining busily engaged until final adjournment, April 22, 1850. Theodore Hittell affirms, "the legislation of the first session was not only the most important, but it was among the most judicious of all that has been done in the state." Members approached their task animated by a spirit of earnestness, with a minimum of private or local schemes and a maximum of serious purpose to carry into effect the general provisions of the constitution. Not least among their accomplishments was the passage of a bill dividing the state into twenty-seven counties and providing for their respective county seats. Numerous specific acts founded on the principles of the common law were passed, others had reference to great commercial and educational interests; and within a period of four months wise and generous provision had been made for the effective functioning of a great state. In his most interesting *Recollections* Governor Burnett pays a deserved tribute to the Legislature that functioned so effectively many months before California was in truth an actual member of the American Union:

> The first session of our Legislature was one of the best we have ever had. The members were honest, indefatigable workers . . . they had to begin at the beginning, and create an entire new code of statute law, with but very few authorities to consult. . . .

Meanwhile the question of the admission of California had become a topic of absorbing interest in Congress. Southern statesmen were almost beside themselves at the imminent prospect of losing control of the

richest country of the Mexican cession. The balance of power seemed unmistakably to be slipping away.

Fully cognizant of the divers opinions expressed regarding the question of admission, the California delegation (Frémont, Gwin, Gilbert, Wright) issued a joint memorial, March 12, setting forth in detail the story of the genesis of the constitution and avowing that it expressed the honest sentiment and popular will of their constituents, being "founded on reason, reflection and deliberate judgment." They proclaimed California's firm loyalty to the United States, and in behalf of its population disavowed all intention of acting in disregard of the constitution or laws of the Republic. Believing that the principles which guided them were just, and knowing their motives to be pure, they were urged by the extraordinary necessities of the case to seek admission for California, trusting that their action would be acceptable to all parts of their common country.

The question, in itself fraught with the gravest difficulty, was greatly complicated by other issues, and the passions that were aroused seemed leading to certain and ominous conflict, when Henry Clay determined to effect a compromise, embracing among various propositions one admitting California as a state. The result is known to the world. It is unnecessary to review the details of that most memorable struggle over the Omnibus Bill: let it suffice here to say that although Congress had repeatedly disappointed the people of California and had caused long and vexatious delays, no sound argument based on facts could now be adduced against admission. Despite the brilliant efforts of John C. Calhoun, the stern logic of facts was plainly against the South, even though the Compromise of 1850 was a seeming victory for the slave power. The exclusion of slavery from California by constitutional provision was a rebuke at once extremely irritating and full of perilous import for the future, notwithstanding the fact, as pointed out by Daniel Webster, that slavery was excluded from the territory acquired from Mexico by the law of nature. It is reported how Calhoun invited Gwin to an interview in the course of which the dying Senator and great champion of the South

> in solemn words predicted, as an effect of the admission [of California] the destruction of the equilibrium between the North and South, a more intense agitation of the slavery question, a civil war, and the destruction of the South.

It is no wonder that Congress wrestled and struggled with the mighty problem, now rendered infinitely more complicated by being inextricably bound up with many other large issues—the slavery question always at the center—that culminated in that mid-century year. But the solution must come, and it did come, at last.

One of the stormiest sessions ever experienced by our national Legislature was drawing to a memorable close. It was a battle of the giants,—Calhoun died before final adjournment, Webster, whose Seventh of March Speech had brought severe loss of prestige, was appointed Secretary of

State by President Fillmore, and Clay's labors in season and out brought infinite anxiety and hastened old age. The California question proved to be the chief stumbling block in the way of Clay's compromise plan.

After much tribulation and many weeks of dreary deadlock, the bill for California's admission—segregated finally from other measures—was put through the Senate on August 13, the vote being 38 to 14. On September 7 the House ratified the measure by 150 to 56. Finally, two days later (September 9, 1850) President Fillmore affixed his signature to the bill, thus welcoming into the sisterhood of States what William H. Seward so beautifully termed "the youthful queen of the Pacific, in robes of freedom gorgeously inlaid with gold." Immediately California's senators and representatives took their seats in the national Congress, and true to the Minerva myth the new-born State entered at once upon its full prerogatives in the national counsels.

It should be gratefully remembered that it was President Taylor who, by recommendation and sympathetic loyalty, had been chiefly instrumental in advancing the cause of California's admission; it was he who, by special message on February 13 had announced the presence in Washington of the California representatives, transmitting the new constitution and apprising Congress of the formal application for admission. But the hand of death, laid upon him two months before the consummation of his hope, sadly explains how final approval came to be penned by his successor.

News of admission reached San Francisco on the morning of October 18. The business of the city was suspended in exultant feeling, and the people poured, a vast concourse, into Portsmouth Square for mutual felicitation and congratulation. California was now known to be a full-fledged member of the glorious Union of States, and she could henceforth never be robbed of the priceless blessings of her statehood.

Nathaniel Bennett delivered a memorable oration in San Francisco on October 29, being the occasion of a public celebration of California's admission; and in the course of his remarks, after describing the awkward and anomalous conditions that obtained immediately preceding, he employed this beautiful rhetorical figure:

> It was at such a time that the tidings of the event which we celebrate reached us, and the rebound of our feelings today is in proportion to the depth of our past depression. If, when the tempest has gathered over the troubled waters, and the angry billows, lashed into fury, rave around the devoted bark, the winds are suddenly lulled, the waves hushed, and the warm sunshine again sleeps on the bosom of the tranquil sea, the thrill of delight which the hardy mariner feels is enhanced by the recollection of the imminent dangers from which he has just escaped.

What should be the permanent location of the capital of the new State? Here was a question that evoked considerable interest both in the Legislature and among the several cities that eagerly urged their

respective advantages. The following resolution had been presented to the Constitutional Convention at Monterey as a section in the Constitution:

> The first session of the Legislature shall be held in the Pueblo de San José, which place shall be the seat of government until removed by law; *provided,* however, that two-thirds of all the members elected to each house of the Legislature shall concur in the passage of such a law.

In the course of the discussion that followed the claims of Monterey and San Francisco were presented, and suggestions were also made to locate the capital at San Luis Obispo, at Benicia, at Stockton, and at Santa Barbara; but in the end the section as reported was adopted, and—as we have already seen—San José was the first capital of the State. It was there in a rather humble state house located near the present site of the City Hall, that the Senate and the Assembly met for the first session of the Legislature that was dubbed the "Legislature of a Thousand Drinks." The building itself was destroyed by fire in the spring of 1853.

The legislators were not satisfied with the accommodations provided by the people of San José nor with what seemed to them an unsatisfactory geographical location. After earnest discussion on the subject of permanent location and the consideration of several offers, the proposition of General M. G. Vallejo made the strongest appeal. This distinguished Californian proposed—

> to lay out a city upon the straits of Carquinez, upon grounds to be selected by five commissioners, three to be appointed by the Legislature and two by himself; to grant the State one hundred and fifty-six acres of land, and to donate and pay to the State within two years after the acceptance of his proposition $370,000, to be applied to the erection of public buildings.

An act was passed directing the Governor to submit to the voters the several propositions that had been made: accordingly at the general election of October 7, 1850, the people voted, with the following results: Vallejo, 7,447; San José, 1,292; San Diego, 14; Monterey, 399; Santa Cruz, 2; Reed's proposition (San José), 651; Gilroy, 71; Eureka, 301; Stockton, 6; Sacramento, 160; Hamilton, 10; Yuba City, 14; scattering, 5.

In spite of this popular expression in favor of Vallejo, it required much exertion to consummate the actual change. The measure was finally approved, however, and in June, 1851, Governor McDougal caused the government archives to be moved from San José to the new town of Vallejo.

But as the time for the opening of the Legislature approached, it was apparent that the distinguished General had not fulfilled all the terms of his proposition and that there was no place prepared for the business of state: therefore the Governor ordered the archives returned to San José. Where was the Legislature to meet? The members elect met in San Francisco for conference on the subject, and on receiving the opinion of the Attorney-General to the effect that Vallejo was the legal seat of government decided to meet there forthwith.

The third session of the State Legislature, accordingly, met at Vallejo on January 5, 1852. The state house was a plain wooden structure, at that time entirely unfurnished, even without a rostrum for the presiding officers. It was later destroyed by fire. Because of the almost total lack of suitable accommodations,—chairs being so scarce as to necessitate the use of improvised benches made of boards laid on stools and nail kegs for the solons of the Golden State, and not even a washerwoman being found in town to keep them in clean collars,—it was but a short time till a decided feeling manifested itself for an early removal of the

SACRAMENTO IN 1850
(From Pictorial History of California.)

Legislature to some city with more adequate and appropriate accommodations. Forthwith Sacramento, San Francisco, San José, and other centers presented their respective attractions. The memorial from the people of Vallejo asking for another week for improving arrangements came too late; on January 12 both houses adjourned, to meet at Sacramento four days later.

When the steamer *Empire* arrived at Sacramento with the State government "bag and baggage" on board, a great crowd of people was at the landing and the event was celebrated by the firing of cannon and other marks of genuine appreciation. The court house was quickly fitted up for the use of the Legislature, the citizens gave a grand ball, and in every

way the people of Sacramento showed their pleasure at having the honor of being host to the government of the State.

But California's capital had not yet found its abiding place. On the last of April an act was passed recognizing Vallejo as the permanent seat of government. However, General Vallejo addressed a letter to a special committee of inquiry, stating that "since he had made the proposition he had become so embarrassed as to be unable to perform his obligation," asking therefore that his bond be cancelled. Still another of the early vicissitudes of the Legislature took the form of the great flood of early March, completely inundating the city of Sacramento;—this for a time created a disposition to remove to San Francisco.

Again the time for the legislative session approached and again the question arose, where shall the Legislature meet? To think of Vallejo now as the "permanent seat of government" was to indulge in pure fiction. Sacramento, Benicia and San José were considered; and this time the citizens of Benicia made the most effective appeal, especially since they could assure immunity from floods, such as had rendered the experience at Sacramento so unpleasant. In early February, 1853, a resolution to adjourn and meet at Benicia a week later was adopted. It was provided that, on and after February 5, 1853, the permanent seat of government should be established at Benicia, in the event that General Vallejo should either fail or refuse to comply with the conditions of his bond, or be released from it. The release was duly executed and approved. In May an act was formally passed "declaring Benicia the permanent seat of government in accordance with the provisions of the Constitution."

The Capitol at Benicia was a two-story brick building, far more suitable than that either at San José or at Vallejo. The public records and the State Library, however, were not so well provided for, being housed in fragile frame buildings without fire-proof vaults or safes. In the meantime Sacramento had become one of the most populous and progressive cities of the State, and Sacramento made a strong bid for the capital. On January 6, 1854, Governor Bigler sent a special message to the Legislature transmitting generous offers from Sacramento. Again the question became of absorbing interest; but in the end Sacramento triumphed. Promptly on being approved by the Governor, the act was put into effect by an adjournment to the new capital. On February 28 the State officiary arrived at the northern city amidst many and sincere demonstrations of rejoicing. A great procession marched through the city streets; addresses of welcome were delivered, and speeches were made by the Governor, the Mayor, and other prominent citizens.

This is not the place to narrate the later attempts to secure the capital of California for other cities. It remains only to be said here that Sacramento has long since become firmly established as the permanent seat of government in the Empire State of the Pacific: for years there has been no serious attempt to deprive her of the honor, so long and so worthily sustained.

In the early autumn of 1850 the total population of California, excluding Indians, was probably considerably in excess of 100,000, also the census returns—admittedly incomplete—show only 92,597. The *Annals of San Francisco* estimates that city's population at from 25,000 to 30,000, which is probably excessive. At that time nearly three-fourths of the total population of the State were living "in or just east of the Sacramento-San Joaquin valleys." It is estimated that only about eight per cent of the white population were born in California, while more than twenty-three per cent were natives of foreign countries. The negroes numbered less than one thousand. The men predominated over the women at the ratio of twelve to one.

There were many exigencies for the new-born though virile State to experience; there was to be one of the most memorable struggles for social order known to any Anglo-Saxon community; the growth of population and the quick exploitation of marvelous resources were to set new records: but in the end the sterling and enduring qualities of her early citizenry,—with all their apathy to politics,—their essential democracy, their dominant sense of fair play and good sportsmanship started California, the new commonwealth bordering the western sea, on a unique career that achieved for her the unquestioned right to the title "Empire State of the Pacific."

CHAPTER XX

ABOUNDING LIFE IN EARLY SAN FRANCISCO.

"Perhaps never before in the world's history has there been exhibited such a variety and mixture of life-scenes within the same extent and among an equal number of people, as in San Francisco for the two or three years succeeding the discovery of gold. Created by a sudden appeal to the covetousness of human nature, and thus having drawn together a promiscuous crowd from nearly all nations, it represented a new school in the wild pine-woods, where all the scholars were strangers to each other, and each was a pupil to all the rest, and none were teachers except by example; or a mixed camp of an army of allies, amid the army chests of the enemy, friendly relations maintained by an armed neutrality. * * * Away from law, away from public opinion, away from the restraints of home, half wild with the possession of sudden and unaccustomed wealth, 'On with the dance, let joy be unconfined,' seemed the motto best suited to the conduct of a large portion of the people." Such is a mere glimpse afforded by the *Annals* at the marvelous city by the Golden Gate, which bears the name of the serene and devoted Saint Francis. "The very air," wrote Bayard Taylor, "is pregnant with the magnetism of bold, spirited, unwearied action."

Under the military rule that continued in California from the seizure of Monterey in 1846 until the news of the treaty of Guadalupe Hidalgo in 1848, the pueblo was under a succession of alcaldes,—Washington A. Bartlett from August, 1846, to February, 1847; Edwin Bryant to May, George Hyde to March, 1848; John Townsend to August; and T. M. Leavenworth through the remainder of the year. The first city charter for San Francisco, having received the approval of the State Legislature, was adopted May 1, 1850, and Colonel John W. Geary, last of the alcaldes, was elected mayor by a large majority of votes, and thus the city government of the American municipality was instituted.

If in the history of California, the stirring days of '49, and immediately following, form a fitting culmination of all that went before, the San Francisco of the time was the territorial focus—the nerve center—of the onrushing, heterogeneous mass of gold-bound humanity. Thither they came by vessel from Panama and 'round the Horn,—yes, and from the farthermost Orient; thither they came trooping down from Sacramento and the diggings scattered along a thousand hills. Thither came not alone the Americans of every creed and complection, but likewise

representatives of every picturesque race—Chinese and Russian, Moor and Turk, French and German, English, Belgian, Italian;—but the Americans always strongly predominated. "The streets were always crammed full of people running and darting in all directions."

San Francisco was the mecca of the Argonauts, the clearing-house of the miners. It was a huge magnet, attracting all new-era Californians; a great white light—even before the age of electricity—into which the susceptible were irresistibly drawn. None was content not to see San Francisco, yet few wished to remain there permanently. In the one real city of California life was truly dynamic.

> "There was no sauntering, no idleness, no dreaming,"—so we read in the *Annals*. "All was practical and real; all energy, perseverance, success. . . . A month with them was considered equal to a year with other people. . . . But then these were really *men*,—giants rather, the very choice of the cleverest, most adventurous and hard-working people of America and Europe. California was a hot-bed that brought humanity to a rapid, monstrous maturity, like the mammoth vegetables for which it is so celebrated."

J. D. Borthwick, who arrived in San Francisco in 1851, has left for us some vivid pictures in his *The Gold Hunters*. Thus of the stirring city by the Golden Gate he writes:

> In the course of a month, or a year, in San Francisco, there was more hard work done, more speculative schemes were conceived and executed, more money was made and lost, there was more buying and selling, more sudden changes of fortune, more eating and drinking, more smoking, swearing, gambling, and tobacco-chewing, more crime and profligacy, and, at the same time, more solid advancement made by the people, as a body, in wealth, prosperity, and the refinements of civilization, than could be shown in an equal space of time by any community of the same size on the face of the earth.

San Francisco was likewise the chief arena on which was to be fought out and won or lost the social and political battles of a great, fearfully-growing Commonwealth. In the words of Professor Royce:

> Elsewhere the struggle was either in smaller and more nearly separate towns, or else in the wide but dependent rural districts. But upon the city by the Golden Gate all the permanent success of the good cause depended. Here the young State was, so to speak, nourished. Here the ships and a great part of the immigrants came. Here was from the first the centre of the State's mental life, and to a great extent its political life. Here good order must be preserved, if any permanent order was to be possible elsewhere. And so of course the progress of San Francisco was to be largely identical with the progress of the whole of the new State.

In the early spring of 1848 the little village of Yerba Buena had probably a few more than 800 inhabitants; while by autumn of the next year some ten thousand persons might be "afloat in the streets," with additional hundreds arriving daily. When not on the streets, the majority of the people dwelt in shanties and tents.

Bayard Taylor has left us an account of what he first beheld:

> The view extended around the curve of the bay, and hundreds of tents and homes appeared, scattered all over the heights, and along the shore for more than a mile. A furious wind was blowing down through a gap in the hills, filling the streets with clouds of dust. On every side stood buildings of all kinds, begun or half finished, and the greater part of them were canvas sheds, open in front, and covered with all kinds of signs, in all languages. Great quantities of goods were piled up in the open air, for want of a place to store them. The streets were full of people, hurrying to and fro, and of as diverse and *bizarre* a character as the houses.

During 1850 more than 36,000 persons arrived in San Francisco by sea alone, fully one-half of whom came from widely separated foreign ports. Of these the vast majority were bent on reaching the mines with the least possible delay; but along with the sturdy argonauts, it must be admitted, there were also a number of "bummers," or loafers, and a contingent of base women.

Allusion has already been made to San Francisco's ordeals by fire. The first great fire occurred in December, 1849, when cloth houses and the wealth stored in them were consumed to the value of a million dollars. The second great fire, far more disastrous to the business interests than the first, came on May 4, 1850. Three immense blocks of buildings lying between Kearny, Clay, Montgomery, and Washington streets were, with trifling exceptions, totally destroyed. Scarcely more than a month had passed before the third conflagration broke out. After this costly experience, cloth houses or tents were prohibited within the fire limits of the city. In the course of a few weeks the burned district was again covered with buildings, many of them far more substantial than their predecessors. The city was visited by another great fire on September 17, which, however, caused less proportionate damage than had the earlier conflagrations. But the great fire of May 7, 1851, proved to be the most disastrous of the entire series, destroying at least $10,000,000 worth of property. Starting in a paint store on the south side of the plaza, the conflagration, fanned by a strong northwest wind, proceeded toward Kearny Street. With the sudden shifting of the treacherous wind, the flames spread to the north and east, and within a few hours the entire business center of the city was a mass of flame. "Eighteen entire squares, with portions of five or six others, were devastated, and, with fewer than twenty exceptions, all the houses and property of every description were totally destroyed. Only five of the brick buildings on Montgomery Street escaped destruction, and ten or twelve in other localities. The burned district extended about three-fourths of a mile from north to south, and one-third of a mile from east to west." After this terrific blow, and especially after the sixth great fire, only six weeks later, the buildings erected, in the words of a contemporary, "show a wonderful improvement in strength and grandeur."

Truly symbolic is the phoenix appearing on the corporation seal of San Francisco; for again and again was the city revived, "springing from its

own ashes, a fairer and more substantial thing than before." And true to the phoenix myth did the city by the Golden Gate rise miraculously from the latest and greatest of all her disasters, the earthquake and fire of 1906.

Many of the early fires were doubtless of incendiary origin, designed to give opportunity for pillage and plunder, daring burglaries were committed right and left,—houses and persons were mercilessly robbed. Indeed, the series of great fires with which San Francisco was visited at frequent but irregular intervals during the period from 1849 to 1851 may not inappropriately be regarded as symbolic of the social and moral conflagrations raging in those hectic days among the city's population.

Few of the early San Franciscans contemplated permanent residence; consequently there was slight attempt at construction of a permanent character. The danger from fire was greatly increased because of the vast number of tents and cloth houses and structures of the flimsiest construction,—a condition only slightly corrected by the subsequent use of the inflammable redwood.

In the meantime the city was rapidly extending itself into the bay. The water abyss beat a steady retreat, driven back by the dumping of load upon load of earth from the sand hills behind, "which may be said to be taken up and cast bodily into the deep."

> "This confused and hurriedly built town," wrote Professor Royce, "crowded between the steep hills and the bay, with all its tents and its rude warehouses and its flimsy gambling palaces set down at random, the 'water coming up to Montgomery Street,' as the old pioneers are never tired of telling one, and the vast fleet of sea-worn vessels lying beyond, and idly rolling in the bay,—this strange picture will never be forgotten."

As an illustration of this encroachment upon the waters of the bay, mention may be made of Clark's Point, at the intersection of Broadway and Battery Street, named for William S. Clark, a pioneer who there built, in 1847, the first real wharf of San Francisco Bay.

As the piers crept farther and farther out into the bay, and the erection of wharves and warehouses progressed, the substantial work of "grading, planking and otherwise improving" the city's streets went rapidly forward. Hills were leveled and low places filled up. Forests of piles were driven deep into the earth, building lots were literally created out of sand and rock, and streets were extended and overlaid with planks and provided with sewers. All the while sea worn vessels,—in some cases with cargoes still on board,—were being beached and converted into storage ships, lodging houses, shops, and the like. Here was an interesting and unique picture,—a thousand persons in 1850 living over the water, in structures resting on piles or in the hulks of ships! Says Zoeth Eldredge:

> Here we have the spectacle of a gallant ship, metamorphosed into a form and likeness that is neither of land nor sea, but partakes of both, rounding out her career of usefulness by a service equally important

> if less dignified. The growing wharves push by her resting place, crossing piers hem her in, and buildings grow up between her and deep water; her retreat cut off, she gazes helplessly through her cabin windows, upon the busy traffic of surrounding streets.

The *Niantic,* the *General Harrison,* the *Apollo,* and the *Georgean,* situated in the path of the flames, were all destroyed in the fire of May 3, 1851.

The aspect of the town had been quickly and completely changed by the sudden immigration of the gold excitement. It had been no small task for the thousands of '49ers to provide any measure of protection

VIEW OF SAN FRANCISCO IN 1850 FROM TELEGRAPH HILL
(From Pictorial History of California.)

from the winds and the rains. Other problems grew out of race differences, and in San Francisco the races of earth were well represented. We hear much of "Happy Valley," at first a suburb between our later First, Second, Market and Mission streets, a little valley protected from the ocean winds by the Market Street sand hills. During the memorable winter of 1849-50 it contained about 1,000 tents. Later it became a lively manufacturing center, with large plants for ship building, foundries, flour-mills and various kinds of workshops. "Pleasant Valley" was as far south as Howard Street; it was a pleasant stroll along the beach into town. "Sidney Town" was the significant title of the region around the base of Telegraph Hill to the north,—it abounded in the lowest sort of public houses and became the rendezvous of convicts and "ticket of leave" men from Australia. Then there were "Little Chili," "Spring Valley," and, a little later, "St. Ann's Valley."

As a result of the long and severe rainy season of 1849-50, added to conditions already unique in themselves, the streets of the mushroom city were atrociously bad, sometimes almost or entirely impassable. It is said that horse and wagon were sometimes literally swallowed up in the deep mud, and it was no uncommon sight to see an unfortunate pedestrian being 'fished out' by some good Samaritan. In his *Memoirs* General Sherman said:

> I have seen mules stumble in the streets and drown in the liquid mud. Montgomery Street had been filled up with brush and clay, and I always dreaded to ride on horseback along it because the mud was so deep that a horse's legs would become entangled in the brush below and the rider was likely to be thrown and drowned in the mud.

In those days when the economic forces of demand and supply could only be guessed at by even the shrewdest, invoices of good merchandise were sometimes worth more as materials for the construction of patches of sidewalk or for use as stepping stones to his home than as goods for the merchant to sell over the counter! This is well illustrated by Howe, *in his Argonauts of '49*:

> There was a famous side-walk in San Francisco on the west side of Montgomery Street composed of one hundred pound bags of Chilean flour, a long line of cooking stoves, a damaged piano which bridged a gully, and ending in a double row of boxes of shoes. It was estimated that the stock of chewing tobacco in San Francisco in 1850 was sufficient to supply every inhabitant of the city for sixty-five years. Of boots and shoes there were fifty pairs for each person. There was enough cloth so that if every man in the city was a tailor and worked for one year making clothes there would still have remained a surplus. Six great fires in the first eighteen months life of the city served to reduce this surplus.

At night lanterns were indispensable; even so the experiences of the well-clad evening callers can better be imagined than described.

It was not until October, 1850 that the first street lamps were erected, in Merchant Street. In these oil was used, and they were paid for by private subscription. Coal gas was first used for street lighting in February, 1854.

Not least among the experiences of early San Franciscans was the plague of rats,—rats of incredible effrontery,—swarming everywhere. Eldredge assures us, "There were black rats, brown rats, gray rats, of monstrous size, fierce, voracious, and destructive." And if the hordes of rats were industrious, no one would for a moment accuse the multiferous California fleas of either idleness or indifference!

Little more need be said regarding the early business and industry of San Francisco. The harbor leaped into first importance with bewildering suddenness. The phenomenal activity is illustrated by mere mention of the number of vessels lying there at the end of October, 1851, showing "a total of 232 American, 36 British, 11 French, 6 Chilean, 10 Bremen, 4 Austrian, 4 German, and 148 storeships, a grand total of 451."

City of the West,
Built up in a minute,
Hurry and excitement,
Moving all within it.
Like a locomotive,
Everybody going,
City in a hurry,
Filled to overflowing.

Historians have been fond of quoting the fabulous prices that ruled in the days of '49. The Californian looked upon the smaller coins with haughty contempt,—for even the slightest service nothing less was received than 'four bits'—half a dollar. Money—gold dust for most part,—circulated with marvelous velocity. For some time the 'ounce' was practically regarded as the monetary standard,—anything less was subsidiary. Specimens from the coinage of nearly every civilized nation gradually found their way into circulation. There were Spanish and Mexican dollars, and fractions thereof, dollars from Peru, Equador, and Bolivia, five-franc pieces from France, and numerous subsidiary coins For a long time nothing could be bought for less than twenty-five cents—'two bits'; hence, we are informed, "all silver approximating the size of an American Quarter passed for that amount."

Far more interesting and financially important than the occasional coins from abroad, however, was the private coinage of gold in California from 1849 to 1855. When the local need of such an issue was felt, to supersede the common but inconvenient currency of gold dust, no one cared to raise any serious question as to the legal right of private mints to supply the need. As early as 1848, there being a great dearth of coin with which to pay customs duties, Governor Mason had been asked to provide some means of relief. Mason agreed to recommend the "immediate establishment of a 'mint in Upper California.'" Such coins as could be obtained were hoarded by importers for the payment of duties, which of necessity rendered them exceedingly scarce in the ordinary channels of trade. To fill this acute need it was proposed that private assayers issue gold pieces, the first concrete suggestion being made to the Governor in the latter part of July, 1848.

Apparently there was no actual issue of private coins before 1849; but on May 31 of that year the *Alta California* mentions a "Five Dollar gold coin, struck at Benicia city, though the imprint is San Francisco." Two months later a circular ten dollar piece appeared. "The closing months of 1849," says Edgar H. Adams, "saw a perfect avalanche of private gold. Every big company coming from the East, one pioneer avers, brought machinery for coining. Many of their issues were of greatly varying value, and bore interesting and original devices, and some followed the types of the regular coinage so closely that careful scrutiny was required to distinguish them."

Of the large volume of private coins issued in the year 1851 Baldwin and Company led with $590,000 during the first quarter; the new govern-

ment Assay Office had an output of $530,000; other private companies showed lesser amounts. Moffat and Company had at first issued rectangular ingots of gold, then circular coins, but later specialized for a time on the fifty dollar 'Slugs.'

That the issuance and circulation of this extemporized gold money was subject to some abuse and that it created no little dissatisfaction among business men, there can be no doubt. A somewhat extreme expression of this growing sentiment is quoted from the *Daily Alta California* for April 15, 1851:

> A great deal of dissatisfaction has been felt and exhibited respecting the issuance and circulation of private coins, below their face value in real value and which the coiners refuse to redeem. It is looked upon as an infamous swindle, by the community, the bankers have refused to receive it at its assumed value, and the merchants have taken somewhat similar action. The Legislature has a bill before it, introduced by Mr. Miller, to oblige coiners to redeem, and to make their refusal a misdemeanor, punishable with fine and imprisonment.

The *raison d'etre* of private coinage in California lay in the monetary necessity felt by all classes, particularly in San Francisco. Merchants and bankers quite naturally expected it to be displaced by legal government issues. At length the establishment of the San Francisco Mint was assured by act of Congress, July 3, 1852. The building was completed early in 1854, and the Branch Mint began actual operations in April of that year.

A few illustrations of values in early San Francisco must here suffice. The Parker House, which was an ordinary two-story frame house or sixty foot frontage, rented for $12,000 a year. The El Dorado, a fifteen by twenty-five foot canvas tent, brought $40,000. Servants received from $100 to $200 per month, rough labor was worth from $8 to $12 per day, and skilled mechanics received as high as $6,000 a year. Illustrative of the rapidity of advance of property values, Bayard Taylor cites this instance:

> A citizen of San Francisco died insolvent to the amount of $41,000 the previous autumn. His administrators were delayed in settling his affairs, and his real estate advanced so rapidly in value meantime, that after his debts were paid his heirs had a yearly income of $40,000.

Interest on business loans for a time ranged from eight to fifteen per cent per month,—and yet fortunes were made on borrowed money!

Early prices were subject to violent fluctuation. The forced sale of cargoes of merchandise in the fall of 1849—sometimes very badly selected, or most untimely—had a demoralizing effect on prices, with the inevitable reaction that followed a period of unbounded speculation; prices dropped to a level almost as far below normal costs as they had been above; great quantities of certain classes of merchandise were offered at nominal rates. Beef and pork suddenly dropped from fifty or sixty dollars a barrel to ten dollars; flour from sixty to ten dollars; and so on. To the inherent difficulties of transportation to the interior were added the dis-

astrous effects of heavy rains. Thus the market was completely surfeited with certain articles of importation, while others, such as fresh milk, butter, fruit and vegetables, were very difficult to obtain. The price of milk was a dollar a quart, and fresh vegetables brought "about what the dealer chose to ask." The particular point to be noted—and one that is frequently lost sight of—is that under the highly unsettled conditions obtaining, while prices were as a rule very high, they were decidedly, yet naturally, erratic. The elements of hazard made all business highly speculative; mere caprice of men and mines rendered anything like a scientific forecast impossible. Great financial embarrassment ensued, there were runs on banks, and not a few bankruptcies.

The birth of the San Francisco Chamber of Commerce, which has weathered the storms of three-quarters of a century of time, antedates the formation of California's state government by several months and her admission into the Union by more than a year. It was in the first school house, erected in Portsmouth Square, that the advent of the staunch organization occurred, on the evening of August 23, 1849. While Congress dallied and debated, leading business men of San Francisco spurred themselves into concerted civic and commercial activity, and the Chamber of Commerce was the result.

Among the more vital accomplishments of its first eventful year may be mentioned an appropriation secured for the erection of the Marine Hospital on Rincon Hill, the installation of a fog signal on Angel Island, fortifications for Alcatraz and Fort Point, and securing the order for the erection of several much-needed lighthouses.

The Chamber persevered through the problematic days of four disastrous conflagrations, laying deep and firm the foundations for its long and honorable career of civic and commercial usefulness, and at the same time setting a worthy and stimulating example for similar organizations in other California cities.

It is matter for little surprise that gambling obtained such prodigious vogue in San Francisco. By many, business itself had come to be looked upon as a gamble, and the element of risk was exceedingly prominent in early mining operations. In short, gambling was easily the most prevalent of the vices in San Francisco. In the *Annals* we read,

> It was *the* amusement—*the* grand occupation of many classes— apparently the life and soul of the place. There were hundreds of gambling saloons in the town. The bar-room of every hotel and public house presented its tables to attract the idle, the eager and covetous. Monte, faro, roulette, rondo, rouge et noir and vingt-un were the games chiefly played. In the larger saloons, beautiful and well-dressed women dealt out the cards or turned the roulette wheel, while lascivious pictures hung on the walls. A band of music and numberless blazing lamps gave animation and a feeling of joyous rapture to the scene . . . At the end of a long evening's campaign of mingled victories and defeats—petty skirmishes—they would either draw off their forces to renew the game next day, or hazard their all, thousands of dollars

> perhaps, on the issue of one great battle, and a moment afterwards leave the table richer or poorer by a moderate fortune.

Some of the most talented and influential as well as richest citizens of the town were gamblers by profession. These are described as "weary, indifferent, pale, cool men, who had not only to keep track of the game and the bets, but also to assume control of the crowd about them." Gambling became a veritable mania,—there seemed to be no power to resist its fascination. There was Denison's Exchange, the Parker House, the St. Charles, Bella Union, and dozens of second-rate establishments. But the El Dorado, with its eight tables and spacious bar, attracted the greatest crowds. Knives and pistols were there, too, a-plenty, but usually out of sight unless occasion called for their use.

A writer for *The Pioneer* magazine (January, 1854) affords interesting glimpses of San Francisco as it appeared in 1850. We quote a paragraph:

> The lower side of the Plaza is one line of gambling houses, with a piazza in front enclosed in glass, which at night was one blaze of light, attracting all the moths in the city, who, before they were satisfied, came away well scorched. But the streets were very uncomfortable, being a succession of hills and dales, paved only with empty bottles, and miners' shirts, of which there was an endless variety. . . . Still San Francisco, though small, was always full of business and bustle; steamers coming and departing for the various towns above—buying—selling—speculating—here projecting a city—there laying out a town—but always men, men, men everywhere; a lady was something to be wondered at and admired; and if one ventured out she was followed by the admiring gaze of knots of masculines collected at the corners of the streets, some of whom perhaps had not seen a woman's face for two years.

In spite of the great prevalence of gambling and the bright allurements of its concomitants, the popular vice was never wholly universal. There were always in California—even in turbulent San Francisco—some men, though inconspicuous in numbers and usually in conduct, who "scorned to enter a gambling saloon or touch a card."

Among the higher classes the persistent custom of fighting duels was deplorably common. It was only with the greatest difficulty and after many years of endeavor that public sentiment became sufficiently powerful to an abolishment of these "affairs of honor" that was genuinely effective. While there has undoubtedly been gross exaggeration regarding the prevalence of "gun-play" among early Californians, this practice was undeniably resorted to by many without a moment's notice,—in this respect there were frequent exhibitions of great recklessness of conduct and at times utter carelessness of life itself.

As is now so well known, the vast majority of early San Franciscans were men,—young men away from home, in an environment that offered every inducement to turn liberty into license. Of the few women there perhaps a majority were not wholly respectable,—some were utterly vile and abandoned. The absence of home refinements and home restraints

proved the ruin of many. To employ the sane words of the Reverend Doctor D. A. Scott, a pioneer preacher:

> Many of the scalding tears that have been shed in California, and many of the broken hearts that have gone down sorrowing prematurely to the grave had been saved, if men's wives and daughters had come with them to the Golden State. If men's families were with them they would shrink from many of the deeds that now fill our daily chronicles of crime. If cheerful hearthstones were their nightly resort, the country would not resemble so much a community of outlaws, and unscrupulous bankrupts and murderers.

Much extravagance was displayed in the theatrical performances, which were patronized with much ostentation. Magnificent balls were almost a nightly attraction. It is claimed that nowhere else in the world were there so many billiard tables in proportion to the population. Attendance at an occasional lecture or a picnic excursion to the hills of Contra Costa might add diversion after the first gold rush was over. San Francisco was indeed a city of gayety, not without personal dissipation. There was no lack of personages who took public delight in their own idiosyncracies.

In those days everybody, of course, was eagerly awaiting letters "from *home.*" To appreciate the sentiment and human significance of the opening of the mail it is well to recall the scenes daily enacted at the pitiably inadequate post office. This cannot be better done than by another quotation from the valued *Annals*:

> When, therefore, soon after the arrival of the mail from the Atlantic States, which occurred but once a month, people came for their wished-for letters, exhibitions of an interesting character were sure to transpire. To avoid riots and confusion, several regular lines were formed from the delivery windows, at the end of which applicants for letters took places as they arrived. So anxious were many to receive their epistles, that they posted themselves in the evening of one day to be early at the window on the morning of the next, standing all night in the mud, with a heavy rain pouring down upon their heads. The lines extended a great distance down Clay street, to the plaza, and along Pike street, even across Sacramento street to the tents among the chapparel.

The postoffice suggests "Steamer Day," which in San Francisco was an unique institution, of interest to everybody in the city. It was the 1st and the 16th day of each month, when the steamers would leave for the East with their excited passengers and the bulging pouches of mail. Before the mail-bags are finally closed, collections must be made, necessary remittances arranged; every large lodging house and many a humble shanty furnishes a passenger for the steamer in the midst of eager arrangements and demonstrative salutations,—in short, the city worked itself up to a sort of social and commercial crisis once every fortnight.

San Francisco's first American school, a private enterprise, was opened by Mr. Marston in the spring of 1847. On April 3, 1848 the first public school was opened under the charge of Thomas Douglas, a Yale graduate; but the mining excitement leaving the teacher "minus pupils, minus trus-

tees and town council, and minus tuition and salary," it was not until the autumn of 1849 that another serious beginning of public education was begun, under that pioneer educator, J. C. Pelton. From spring of 1850 till late summer of 1851 he and his wife were paid $500 a month from the city treasury. The school numbered one hundred and fifty pupils and was called a public school, although the city council at the beginning had nothing to do either with its organization or its management. In the meantime other schools were organized, and in the summer of 1851 a regular committee on education was constituted under whose direction Colonel T. J. Nevins prepared a bill, later enacted into law, for "the establishment, regulation and support of free common schools in the city."

The men of '49, as a rule, considered that their sojourn in California would be brief; therefore their families were left behind, they became their own housekeepers, and in a novel, rapturous community gave vent to a reckless unrestraint and spirit of daring. The neglect of social amenities, of civic duties and moral sanctions could not be indulged without the exaction of appropriate penalties. The affair of the Hounds—discussed elsewhere—was an episode that followed logically from the too-common disregard of citizenship and marked the rise of the first quasi-vigilance committee of San Francisco.

The San Francisco of early days was no place for house plants and tender young trees,—there was the place for the sturdy, deep-rooted oaks and cedars: men of stamina and moral strength survived and flourished,—"the irresolute and weak became prostrate wrecks." A generous tribute was paid the typical pioneer by Pastor Albert Williams, than whom none was more faithful to rebuke the sinning and unrighteousness:

> Whatever departures from the right occurred, a standard of just principles was recognized. Though the Church and religion received not from all the heed which was desired, neither the one nor the other was spoken against; both were commended. The sacredness of Sunday was acknowledged.

Following the organization of the first Protestant church in California at Benicia by Sylvester Woodbridge and Albert Williams in April, 1849, Doctor Williams proceeded to organize the First Presbyterian Church of San Francisco, with but six charter members, on May 20. Other church societies were founded in rapid succession by as staunch and devoted a group of Christian disciples as ever labored for the redemption of a city. The First Baptist Church was founded in June by Reverend O. C. Wheeler, the First Congregational Church in July, by Reverend T. Dwight Hunt, and in late December Reverend Doctor Ver Wehr opened Grace Chapel for the Protestant Episcopal Church. In the meantime Reverend William Taylor the Methodist had begun his untiring exertions as pastor of the Seaman's Bethel and street preacher. Of his remarkable labors, we have this contemporary tribute:

> Probably no man in modern times has followed up the practice of out-door preaching so successfully and to so great advantage as Mr.

> Taylor, whose unremitting zeal and religious deportment have gained for him the esteem and admiration of the entire San Francisco community.

The church at Mission Dolores served for the Catholics until 1851, when the first city Catholic church was organized.

These and other religious organizations are striking evidences of "the sincerity, zeal and success of the early spirit of moral reform." They rendered incalculable service in keeping San Francisco from general reckless dissipation and in pointing the way of the higher life in a sordid age.

In *The Pioneer* magazine for February, 1855, J. P. Anthony gives us a real glimpse of "Our Streets," from which a paragraph is here quoted:

> Perhaps no other place in the world presents so varied a panorama—so much that is at once striking and uncommon—as the busy thoroughfares of our young city. The uncouth Chinaman, the showy and tawdry Mexican, the jabbering Frenchman, the hirsute miner, the rough backwoodsman and the elaborately got up gent, jostle each other on the footway, whilst the languages of nearly all known nations may be heard on every side. Faces in which eventful histories are written; heroes, who seem just to have stepped out of volumes of adventures, meet you at every step. Here is indeed, illustrated the romance of reality, and few there are amongst us, having sojourned a decade of months in San Francisco, but to whose ears are eventful narratives as familiar as household words. Few, but have listened to the adventures, hairbreadth escapes by flood and field, of some acquaintance, compared to which imagination's fictitious revelations are vapid; the manufactured, startling effects of the most popular romancist, spiritless and inane.

Such was the young and virile city of San Francisco in the fifties,—literally a man's city, for of a total population of 50,000 not one-sixth of its inhabitants were women, while the children numbered perhaps 3,000. It was a motley citizenry that, despite well-known evidences of political instability and corruption, presented an orderly and respectable aspect of men of energy engrossed in their own affairs. The German population amounted to 5,000 or 6,000, while the French numbered almost as many, and people of Spanish extraction were at least half as numerous. Many other races were represented by varying populations.

> Englishmen and French,
> German, Dutch and Danish,
> Chattering Chinese,
> Portuguese and Spanish;
> Men of every nation,
> Birds of every feather,
> Honest men and rogues
> Hustled up together.

But from center to circumference the moving force, which accounted for the "go-ahead" atmosphere that pervaded the place, was the Yankee, "tearing and tramping over the impossibilities of other races and binding them to his absolute, insolent will."

Numerous brick houses and stone structures has replaced the flimsy fire-traps of an earlier day, the principal streets were well planked, and an efficient fire department afforded good protection against further conflagration. There were now hospital, library, public schools, theaters, news-papers, public markets, churches of various denominations, and cemetery. A dozen wharves line the water front, pushing farther and farther out into the bay; and the city could make the dubious boast of having more than five hundred saloons, many of them showing signs of real magnificence, while the professional gamblers constituted a class *sui generis*.

If San Francisco was the resort of many evil men, it always possessed the power of casting out devils on occasion; if it was over-complacent in the presence of social and political sinning, it was ever capable of being aroused into puissant and virtuous activity; if here and there appeared an eccentric character, like "Emperor" Norton, it is better remembered for its William T. Coleman, Washington Bartlett, James King of William, and a legion of other such men of rugged virtue and robust valor. Take it all in all, it may well be doubted whether there was ever in the world another such city as was exuberant, tumultuous San Francisco during its first decade as an American municipality.

A few final words from the *Annals* show how well the authors, writing in 1854, caught the spirit of their youthful city:

> Cities, like men, have their birth, growth and maturer years. Some are born Titans, and from the beginning promise to be mighty in their deeds, however wilful and destructive. Few spring into being full armed, wise and sedate as Minerva. San Francisco, while it can show so many enduring marvels for its few years, has also wasted much of its means in 'riotous living'; but its young hot blood will cool bye and bye. Then ripened years and wisdom will subdue its foolish levities and more disgraceful vices. Meanwhile, let us treat this noble city kindly.

CHAPTER XXI

VIGILANTE DAYS: THE COMMITTEE OF 1851

James Bryce, in his yet unequalled work on the American Commonwealth, affirms that "the American people have a practical apitude for politics, a clearness of vision, and capacity for self-control never equalled by any other nation." After instancing their disregard of "darling legalities" under the stress of civil war when a high sense of patriotism questioned not the novel powers exercised by the executive, he pays them this splendid tribute: "Such a people can work any constitution."

It is enjoined upon man to obey the law of the land, as a duty he owes to himself and to society. Yet mere literal obedience to the law is only a mark of passive or negative virtue as a citizen, and in no wise does it compensate for the absence of the positive virtues of active citizenship. A man may contrive to evade the cluthces of the law and at the same time be at heart the community's most lawless member. As the domain of morality is infinitely wider than the field of exact law, so it is of vastly more moment in the preservation of the health of the body politic.

It has been well said that if all the people habitually lie, it is vain to affix a penalty to perjury; it is of no avail to enact laws if it is known that the community will not at least seriously endeavor to enforce them. But it not infrequently happens that the normal growth of law is violently interfered with; as in the case of the superposition of a completed system upon an unprepared people, or the usurpation of the government and administration by a foreign or alien power, or by the unworthy or unscrupulous class not truly representative of the state or the community.

Finally, it may be remarked that in all frontier settlements, to which unusual conditions attract a heterogeneous population, popular tribunals of some sort have been erected. It may be that the civil government has not been established sufficiently early, and thus statutory law is wanting, or the judicial tribunals have not been put in working order for the timely execution of justice, or the perpetuation of inadequate and perhaps effete laws of an earlier civilization has cost the office-holding fraternity the contemptuous disregard of the community,—for some cause sufficient in itself, or in the presence of certain exceptional conditions, usually rendered complex by the character of the population, the citizens' tribunal has been inevitable as a means of self-protection.

It would be inaccurate to speak of the vigilance committee as everywhere synonymous with mobocracy or lynch law. A mob is a

tumultuous rabble through which surges a common passion, overmastering in its power and usually tending to the subversion of both order and reason. A vigilance committee, properly so-called, not only recognizes the majesty of law, but constitutes itself "the champion of justice and of right." It actively seeks to reinforce the civil authorities, and thus to bring criminals to speedy justice where the regular officials have failed; or if in its judgment the circumstances demand, it rises above the legal system and becomes a law to itself, holding that unfaithful servants should be removed by an afflicted community, and insisting that since a statute is no more sacred than the men that made it, "vicious technicalities" must not be permitted to thwart the ends of justice. Vigilance committees have not been found where there has been wise and effective execution of sound law.

No doubt there were a few episodes in California history bearing some resemblance to activities of popular tribunals long before the gold days. What has been called the first vigilance committee arose in Los Angeles in April, 1836, as the serio-comic sequel of a guilty love romance. The imposing title of *Junta Defensora de la Seguridad Publica* was applied to a band of fifty-five citizens who signed the roster, with Victor Pouden at their head, as President. Such an episode, however, is of perhaps even less real historic importance than the early gold discoveries in southern California, and therefore can not claim special attention here.

If there had been a crying need in California for governmental provisions previous to Marshall's gold discovery, that momentous event almost infinitely increased the need. Before the coming of the Argonauts the immigrants who generally expected to settle permanently were, as a rule, honest, sturdy, resourceful American pioneers. But in the days of '49 the sudden influx numbered also hundreds of deserters from all offices, ignorant or criminal elements from Mexico, Chile, China, New South Wales, and where not, and unprincipled adventurers from the United States,—"loose fish" and "bad whites," not one-tenth of all of whom expected to remain permanently in California.

Such an element in a frontier population may be depended upon to exploit the labors of other men and reap where they had not sown. A more perfect type of social parasite could not be found. We are not surprised, therefore, that about the middle of 1849 an organized band of desperadoes, known as the Hounds, terrorized San Francisco by their aggressions and high-handed crimes. Indeed, as Bancroft remarks:

> One of their fundamental principles, practiced before it was formulated, and the first and broadest plank in their platform, was that others should feed and clothe them. The workingmen of California, the honest and industrious, should furnish them shelter, with strong drink, tobacco, and other luxuries.

In short, the Hounds were a band of desperadoes, or public robbers, who committed repeated aggressions and offenses upon the people of San Francisco under the flimsy pretense of opposition to foreigners, given

color by General Persifor Smith's declared intention of driving off all foreigners. The gang paralyzed the town with terror. Their outrages, for a time somewhat covert and usually perpetrated at dead of night, grew bolder and more defiant; but yet the long-suffering, peace-loving citizens, absorbed in their individual concerns, paid little attention to the aggressions of the organization, which may be considered, after all, as a natural consequence of the existing state of affairs.

But when at length the excesses became so violent that there was no safety and no apparent protection, the feeling spread and deepened that somehow the lawlessness must cease, that bounds must be set beyond which the self-styled "Regulators" must not be permitted to go. The crisis came on the afternoon of Sunday, July 15, when a large band of these self-styled "Regulators," after a ridiculous parade in fantastic costume, committed a dastardly assault on the Chilenos, whom, without provocation, they beat and cuffed and kicked, even wantonly fired upon, seriously wounding many defenseless men. When the news spread the town rose to the greatest pitch of excitement.

By dint of the energy of Sam Brannan and others the community was promptly organized for self-protection. Nearly twenty of the desperadoes were speedily arrested and tried, and the leader of the gang, Samuel Roberts, was found guilty of the eight counts against him. The "Regulators" were routed, and the incident closed.

The lesson of the affair of the Hounds was imperfectly learned and too little taken to heart, partly because of the influx of new population, and partly because the penalties inflicted had been too mild. Almost immediately San Francisco plunged again into her social insanity. Few cities indeed have ever been socially and morally tried as was San Francisco from 1849 to 1853. The strangely disordered but rapturous life of those days seemed to men looking back upon it for even the brief space of half a dozen years like a whirl of wild dreams, a fantastic unreality.

The delirium of mad speculation had become a consuming fire. The regular business of the city, where market quotations were as fabulous as the tales of Arabian Nights, and interest on money at the rate of ten per cent a month and even higher was not uncommon, seemed to be but slightly removed from the professional gambling that flourished so amazingly. The infection was everywhere: comparatively few were wholly immune.

The social and moral forecast—if men had taken the time to consult the oracles—plainly indicated a great conflagration. The failure of justice is indicated by the fact that scores of robbers and murderers were allowed to go scot free. Not one murder of the hundreds in California had as yet been expiated on the gallows: hence we are not surprised to be told that "the very courts had become a by-word."

In the meantime California was called upon to undergo awful baptism by fire. The series of fiery ordeals from 1849 to 1851 was due in large

measure to the moral and social conflagrations then raging, although out of them sprang ultimate good to the city.

In San Francisco, if anywhere, and in those days, if ever—days of material conflagration and social insanity, of feverish desire to grasp instant fortune—were needed sound law and strong government, sustained by a high and dynamic morality. Those were anomalous days, the days of paradoxes. As the city government grew more expensive it became

SAMUEL BRANNAN

less efficient; theft was punished more severely than murder, because, as we read in the *Annals of San Francisco*, "men carried their lives about with them, and might defend them, but property left to itself was defenseless." The establishment of new courts seemed to foster crime, for in the hands of demagogues office was prostituted to the spirit of lawlessness. While to the superficial observer all seems unhallowed strife and worship of mammon, a careful examination reveals conservative forces of great potentiality. Those faithful ministers of the gospel of

peace,—"Father" Taylor, the Methodist; Dwight Hunt, the Congregationalist; Albert Williams, the Presbyterian; Wheeler, the Baptist; Ver-Mehr, the Episcopalian, and the rest of them,—present a page in our pioneer history in striking contrast to any record of sordid motives and unworthy deeds.

The community of San Francisco was as a whole undoubtedly reckless; yet there was ever a powerful element of virtue and conservatism. Whence, then, came all the mischief? What was the besetting social sin? Professor Royce pronounced it to be the "tolerance of the open vices of those who chose to be vicious." Public sentiment "was not stern enough toward social offences, but believed in a sort of irreligious liberty, that considered every man's vices . . . as a private concern between his own soul and Satan." The increasing magnitude of private business and the growing multiplicity of individual relations excluded the vision to the community's imperative demands. Good men forgot or ignored the duties of citizenship, and all but abandoned the municipality to sin and Satan. While these good men—these *bad citizens*—wrought and while they slept, colossal Wrong lifted up its head and stalked abroad. Robbery became bolder; incendiarism less covert, and organized crime arrogant and defiant, for government itself seemed wrenched into the tool of outlawry, while the courts of law seemed to be the fountain heads of injustice and anarchy.

At length the civic conscience was fully aroused. With a mighty effort it shook off its long lethergy and stood, as it were, suddenly erect and militant. The particular act that thus proved efficacious occurred in the night of February 19, 1851, when a prominent merchant named Jansen was assaulted in his store and his safe burglarized. The consequent intense agitation of the city should have proved a timely warning to those bent on crime, but instead they became still bolder—and there appeared to be no likelihood that any single offender would be brought to justice by the regular agencies.

Given such a state of affairs on the part of most officials and aggressive criminal class, and given an awakened indignation and the necessity for self-protection on the part of those constituting the backbone of the community, it is not difficult to advance to the actual organization of the great Vigilance Committee of 1851.

The need of the hour was some form of strong organization among lovers of order that should prove adequate to the preservation of peace and the enforcement of law. Otherwise there was extreme danger of mob control and downright anarchy. Accordingly, on the 10th of June, an organization of prominent business men was effected, about 200 names being enrolled under "The Committee of Vigilance of San Francisco." Its specific objects were "to watch, pursue, and bring to justice, the outlaws infesting the city, through the regularly constituted courts, if possible, through more summary course, if necessary." The members united themselves, to quote from the constitution itself,

> into an association for the maintenance of the peace and good order of society, and the preservation of the lives and property of the citizens of San Francisco and do bind ourselves, each unto the other, to do and perform every lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered; but we are determined that no thief, burglar, incendiary, or assassin, shall escape punishment, either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of the police, or a laxity of those who pretend to administer justice.

For mutual protection and for purging the city of its bad characters each member pledged his word of honor, his life, and his fortune.

Great work there was for the Committee. Scarcely had the organization been effected and an adjournment taken when, about ten o'clock at night, two sharp taps on the fire bell brought the members quickly back to headquarters. One John Jenkins, a powerful, vicious-looking man, an ex-convict from Sydney (a "Sydney cove"), had burglarized a store on Commercial Street, and, failing to make good his escape, was promptly taken to the room of the Committee.

The Committee did not hesitate, but pursued its straight path. In an hour Jenkins had been tried for his offense; in two hours, at the stroke of midnight, he was pronounced guilty of murder and sentenced to be hung. Two hours later a solemn procession marched to Portsmouth Square, where the condemned man, in the presence of a thousand grim-visaged but approving witnesses, expiated his crime by hanging until dead.

The work of Vigilance was heralded quickly abroad throughout the State. Scores of San Francisco's best citizens came forward and pledged their support; while men of Jenkins' class were filled with consternation at the unwonted procedure of his prompt arrest and quick execution.

It is unnecessary to rehearse in detail the activities of the famous Vigilance Committee of 1851. The *Alta California,* only five days after that terrible scene enacted at Portsmouth Square, says:

> It is certainly a fact that since the excitement which resulted in the execution . . . crimes of the more heinous nature have visibly decreased. . . . Whereas previously scarce a night occurred that we had not occasion to note down a knocking down, drugging, robbery, or burglary, since that night there has been but one case of robbery of which we have heard.

It was observed that a fortnight had not elapsed before "an entire change was noticed in the state of Society."

On the 11th of July following, at about nine o'clock in the morning, the bell of the Monumental Engine House again solemnly summoned the Vigilance Committee to the consideration of a case that meant death to the culprit. This time it was James Stuart, whose confession revealed him as perhaps the most colossal villain in California, and deeply implicated several other persons in a long catalogue of atrocious crimes. The wretch was condemned to death, and after two hours' grace was led

forth to the Market Street wharf, where he was hung by means of an improvised derrick.

The work of purging was not yet complete. Samuel Whittaker and Robert McKenzie were brought to trial for a list of crimes including burglary, robbery and arson; they confessed their guilt and were condemned to die. On the morning of the 21st of August, by a series of quick movements and the possible treachery of the guards, the prisoners, who had already been in the custody of the Committee for weeks, were seized by the sheriff and placed in the jail. The upshot of the matter was that on Sunday afternoon, August 24, while the Rev. Albert Williams was conducting religious services for the prisoners, in accordance with his custom, a party of Vigilantes abducted Whittaker and McKenzie, hurried them to a closed carriage and drove them with all haste to the Committee headquarters, while the ominous bell at once summoned the members and sounded the death knell. The six thousand assembled men maintained an awful silence during the brief preparation,—

> "But," we read in the *Annals,* "as soon as the wretches were swung off, one tremendous shout of satisfaction burst from the excited multitude; and then there was silence again."

These were the last of the four executions conducted by the Committee of Vigilance; but these did not at all exhaust the activities of the Committee. During its active operations about a score of bad characters were banished from California, and many more than that number, recognizing that San Francisco was no longer a safe lurking-place for rogues, advisedly took their departure for various points in the interior, only to find themselves again thwarted in their careers of crime by the spirit of watchfulness and vigilance that had spread to every quarter. The official record of sentences is as follows: Hanged, 4; whipped, 1; deported, 14; ordered to leave State, 1; handed over to authorities, 15; discharged, 41. The last entry in the book of the Committee bears the date of June 30, 1852; but even then the association was not formally dissolved. The members stood ready, on occasion, to assert themselves and speak out their undoubted supremacy with no uncertain voice.

The well-nigh unlimited power enjoyed by the Committee, by virtue of numbers and wealth, as well as influence and energy, were used with calmness and solemn moderation, without the spirit of mobocracy. None deplored the necessity for their acts of terrible retribution more than themselves. Even Pastor Williams, under whose very eye Whittaker and McKenzie were abducted, gave this verdict:

> Deeply as the measures of the Committee may have been regretted, in view of their extraordinary character, their salutary effect was for a long time visible.

The local contemporaneous press, with the exception of one newspaper, cordially endorsed the movement and rendered effective aid; while in the Eastern press opinion was divided, several of the most influential

papers justified the Committee in strong terms. Note, for example, an editorial utterance in the New York *Tribune,* for July 19:

> We are sufficiently familiar with the characters of the men composing the Committee of Vigilance to acquit them of any other motive than that of maintaining public order and individual *security*. . . . In spite of these violent exhibitions of popular sentiment, the instinct of order, *the capacity of self-government, is manifested more strongly in California at this moment than in any other part of the world.*

An altogether natural consequence of the activities in San Francisco was the inspiration and encouragement of similar movements in the interior towns and everywhere in the mining camps, where the self-dependence of isolated communities rendered vigilance perhaps even more needful than in large centers of population.

One of the first instances of a vigilance committee was the "Rough and Ready" in Nevada City, 1850, which succeeded so well that a miner conceived the fatuous idea of an independent sovereignty, which should be called the "State of Rough and Ready!" The files of the *Alta California* contain the contemporaneous accounts of many crimes and many cases of the arbitrary administration of justice. The issue of June 26th, 1851, announces that "a Vigilance Committee of 215 signers has been formed in Sacramento." In the following November it was stated that seventeen murders had been announced within a day or two about Marysville, and that the Vigilance Committee would "take prompt steps in the premises." The feeling that prevailed is clearly indicated by extracts from the *California Express.* After making announcement of the recent murders and particularly to the shooting of Sheriff Buchanan, the paper continues:

> We notice with pleasure the call for the assembling of the Vigilance Committee, and trust that every member will be at his post, and that every good citizen who is not a member will immediately become so, and thus lend their active aid for the protection of the civics of our fellow citizens, and in the suppression of these monstrous crimes in our midst. There never was a period when so strong a necessity existed for the people to grasp the reins of government, and this we say with all respect to our law officers, whom we believe to be as efficient as it is possible for them to be, but the present exigency requires the exercise of the higher law. It is absolutely necessary that every rendezvous of murderers, robbers, and thieves should be broken up . . . There is no use in mincing matters in an emergency like the present. There are evils in our midst which the law cannot reach, that the strong arm of the people must root out. Let them be cool, let wise counsels prevail, but let not any house be left standing which has been a trysting place for murderers or thieves. . . . The life of one faithful, honest, active and vigilant citizen is worth more than all the sickly sympathy which may be expended over the suspected gang of land pirates with whom our community is infested, even should some of their hands be unstained with blood.

During the next spring robberies were "of frequent and alarming occurrence" about Mokelumne Hill, and not until the Vigilance Committee executed Carlos Esclava in the presence of nearly 1,000 witnesses

were the people satisfied. Under date of May 31, 1852, we read in the *Alta:*

> The citizens of Jackson have formed a Vigilance Committee for the protection of life and property, and the summary punishment of offenders. Nearly all the most respectable citizens of that town and vicinity have joined it. . . .

Finally, on May 24, 1854:

> The unearthing of a gang of thieves and vagabonds, last week, at Downieville, has led to the organization of a Vigilance Committee for the better preservation of life and property.

These are mere samples of what was being done in towns and camps in all directions within and beyond the borders of California.

By no means were all instances of popular justice in pioneer California worthy of respect, much less of approbation. The distinction between a vigilance committee and a mob, or lynch law, was frequently lost sight of, and many heinous crimes were committed in the name of popular justice. Indeed, the horrible spectacle of the hanging of Barclay at Chinese Camp in 1855, under peculiarly revolting circumstances, deservedly brought on a feeling of revulsion and disgust for lynch law. The conduct of the crowd was brutal and disgraceful.

The *raison d être* of Vigilance is not far to seek. The absence of settled law and legal precedent thrust upon each mining camp the necessity of formulating rules and regulations for its government, the fundamental propositions usually being the equality of all before the bar of justice and the right of every man to have a fair and equal chance. While every camp bore a general resemblance to every other, each was different in detail and, to some extent, a law unto itself. Often those who got themselves chosen judges (or alcaldes) were corrupt; in other instances they lacked technical preparation, and so were largely under the domination of sharp lawyers who could often cause vexatious delays at will.

In the mines it proved to be too common to witness vigilance degenerating into a more or less faithful expression of lynch law. In San Francisco, however, the activities of the vigilance committees were sincerely put forth to the end that social order might be reformed and lynch law rendered unnecessary. While it would be unsafe to assert the claim that the ethics of popular justice in early California was without fault or blemish, it is not extravagant to claim that the general course of the Committee of Vigilance of 1851 vindicated the good sense of that organization and amply demonstrated the loyal devotion of its members.

With the passing of the most trying days of 1851 and the restoration of comparative peace to society, the committee had ceased to act. The association, however, was not dissolved; but an executive committee of forty-five was appointed "to exercise general watchfulness, and to summon together the whole body when occasion should require." About six months later, when an excited crowd of two thousand persons sought to lynch a sea captain and mate for their cruelty to the crew, the Vigilance

Committee, we are informed, "instead of taking the side of the enraged multitude, firmly supported the legal authorities." After recounting how on many occasions the committee members were of great service to the regular authorities, the observant authors of the *Annals of San Francisco* continued:

> There could not be a greater calumny uttered against high-minded men than to represent, as was frequently done in other countries, and in the Atlantic States, the members of the Vigilance Committee as a lawless mob, who made passion their sole guide and their own absolute will the law of the land. . . . People out of California could know little at best of the peculiar state of society existing there; and such as condemned the action of the Vigilance Committee positively either knew nothing on the subject, or they outraged the plainest principles of self-preservation.

CHAPTER XXII

THE VIGILANCE COMMITTEE OF 1856

The great San Francisco Committee of Vigilance of 1856 will always hold a memorable place in California's unique history. Because of its very magnitude, as well as for its personnel and the work it accomplished, it has fairly won the record for being the greatest of all popular tribunals.

It will be recalled that the Committee of '51 was not formally dissolved,—at the conclusion of its active labors its members stood ready for further work of purging if occasion required. For many months the organization continued as a potential check to vicious and unscrupulous elements of the city. But as the terrible warnings of the hangman's noose began to fade from the memory, and vigilance began to be relaxed, while other human vultures swept down upon the city, greedy for their prey, the law again fell on evil times. The forces of villany and crime, taking a lesson from recent history, showed themselves more intelligent if equally unprincipled, more crafty if at the same time more utterly demoralizing. "Behind the shield raised against crime," says Bancroft, "crime itself was stationed with the sword of justice in its hand. Sitting in judgment, villains sold justice for money, or sent triumphant vice abroad in the livery of virtue."

The method now was to capture primaries, stuff ballot boxes, and become intrenched in public office. The forces of corruption wrought mightily while the virtuous seemed to sleep. For example, by means of ingeniously contrived false-bottomed ballot boxes iniquitous men were getting themselves voted into office. A captain of the police force found in a saloon on First Street, near Mission, one of the "so-called double improved back-action ballot boxes"—apparently one of many. It was subsequently secured by the Vigilance Committee and on several occasions used with telling effect for exhibition purposes. It became increasingly unsafe for honest men to approach the polling place, for if too many such appeared, a set of bullies and "shoulder strikers" were likely to be on hand to knock them down and render life itself insecure. San Francisco sank to a low state of political degredation, a condition chiefly explainable by the generally unsettled condition and rush for gold, influenced by the depression following the "flush days," by the grossly inefficient and frequently corrupt municipal officers, and by the excessive gambling and over-speculation, accompanied by a material decline of production in placer mining following the year 1853, which led in turn to the serious

panic of 1854. It is stated that a thousand homicides had been committed in San Francisco in the brief period from 1849 to 1856, with but one legal execution!

It was this virtual immunity from deserved punishment, not only for murder but likewise for numerous other offenses, that increased the spirit of insolence and arrogance as well as the boldness and violence of desperate characters. As in 1851, the chief besetting social sin was that of being solely engrossed in the strife for gold and kindred private ends, to the utter neglect of social and civic duties. Accordingly the voice of the honest voter was frequently smothered by the midnight frauds, the arm of law was struck down by the slung-shot of a corrupt officiary.

The event that was made the occasion for the organization of the great Committee of Vigilance of 1856 was James Casey's attack on James King of William, the free-lance editor of the *Bulletin;*—but brief reference must be made to an earlier occurrence, which had done much to prepare the public mind for determined and aggressive action. In the *Alta California* for November 18, 1855, we read:

> Gen. William H. Richardson was assassinated in the streets of this city last evening, under circumstances peculiarly atrocious. Murders have been committed for robbery or from motives of revenge, but for this one there appears to have been no inciting cause, but an unnatural thirst for blood . . . If there are any palliating circumstances, they have not yet come to light.

There was much feeling against the murderer, a gambler by the name of Charles Cora. The *Bulletin* strongly hinted at the possibility of another vigilance committee:

> "That no effort will be spared to get Cora clear," it went on, "begins now to be apparent. His friends are already at work. Forty thousand dollars, it is said, have already been subscribed for the purpose. Of this some five thousand dollars will be sufficient to cover the lawyers' fees and court charges, and the balance can be used as occasion may require. One bad man on the jury will be sufficient to prevent an agreement. Look well to the jury!" Mincing no words it said: "What we propose is this: If the jury which tries Cora is packed, either *hang the sheriff* or drive him out of town and make him resign. If Billy Mulligan lets his friend Cora escape, *hang Billy Mulligan* or drive him into banishment."

Cora's trial was set for January 3; and not until the ninth day was the jury selected. The defendant was represented by General James A. McDougall, Colonel E. D. Baker, George F. James and Frank Tilford,—an array of the most brilliant legal talent available. The jury were unable to agree, after more than forty hours of deliberation, and, pleading that their health and business were suffering, they were, on January 17, finally discharged by the court, and Cora was remanded to the custody of the officers. Needless to say, the people were very impatient at the law's delays. The *Alta* declared: "The farce of a trial has been gone through, but the case was decided the moment a jury was empanneled." Its further comment throws an interesting light on conditions in San Francisco,—

conditions that afford a true explanation of the great Vigilance Committee soon to be formed:

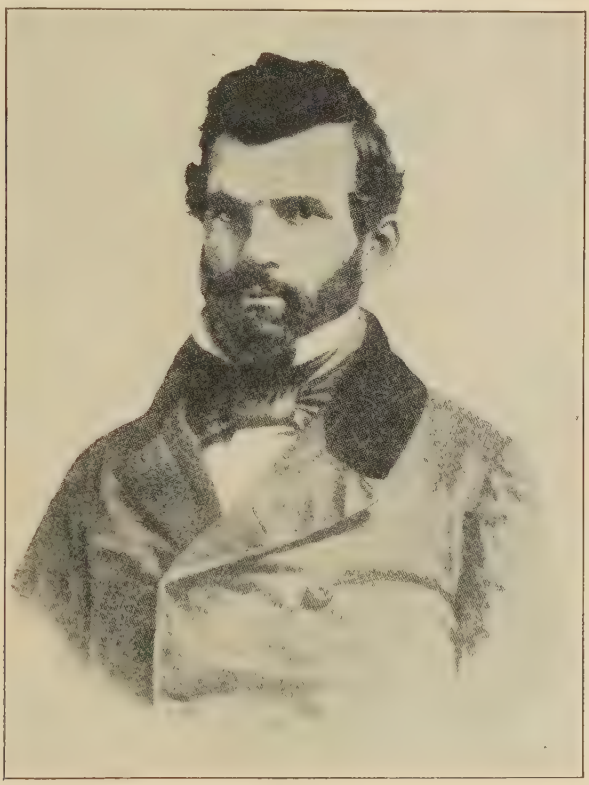
> It is not pleasant for us to comment upon the depravity which has been brought to light in the trial. It is not very agreeable to state that the conviction is almost universal, that crime cannot be punished in San Francisco. But it is, nevertheless, a duty which we owe to the public community, as journalists, to put the people upon their guard. It is well for every man to understand, that life is here to be protected at the muzzle of the pistol. The best man in San Francisco may be shot down tomorrow, by some ruffian who does not like what he has said or done; yet the chances are a hundred to one that ruffian will escape punishment. He may go through the farce of a trial but nothing more.
>
> Now what is to be the end of this? Things will probably go on till a few more murders have been committed. . . . Crime will become so frequent, that it cannot be longer endured. Then will come lynch law—then men even suspected of crime will be hung. People may lament such a state of things as we have figured; yet it is plain that reformation must be had, or it will come. For people cannot long live here, as things are now running. No man's life is safe, in our opinion, for a single moment.

From January to May Cora was not again brought to trial; and perhaps still other months would have passed before he would have been brought before a second jury,—but suddenly a still more audacious crime than his brought the people to sudden and resolute activity. This was none other than the murder of King by Casey.

James King, a native of the District of Columbia, had arrived in California in November, 1848, and, after trying the mines and mercantile life in Sacramento, returned to San Francisco the following autumn and with Jacob R. Snyder established the banking firm of "James King of Wm. & Co." Inspiring general confidence because of his strict integrity, he achieved financial success while winning an enviable business reputation. His wife and their four children joined him in 1851, and they set up a fine home at considerable expense. But unfortunately one of his employees made certain investments in mining and ditch property in Tuolumne County which brought him into financial difficulties and even to the verge of ruin. Turning over his assets to Adams & Company, he was retained by that firm at a high salary. But the firm did not escape the crash that fell upon San Francisco with such violence, and King shared the difficulties of the time, accentuated, no doubt, by his personal impetuosity and high sense of honor. His public refusal to fight a duel, because of his duty to his family and his opposition to duelling on moral grounds, had the effect of raising him distinctly in the estimation of a large portion of the community.

With the failure of Adams & Company, King was stripped of all his property. He decided to capitalize his knowledge of civic and financial affairs in San Francisco and his ability to express himself in vigorous, unequivocal Anglo-Saxon phrase,—the outcome was the *Daily Evening Bulletin,* the first issue of which made its appearance on October 8, 1855.

It was a puny little sheet of four pages, ten by fifteen inches in size; but as we contemplate the weight of its influence we may well say, as was said of a man's tongue, "Behold, how great a matter a little fire kindleth!" Verily, the *Bulletin* was a lighted torch in the midst of inflammable material. The editor announced that he would act independently of the opposing political parties, that he would advocate men and measures that to him seemed most conducive to the common good, and that he would



JAMES KING OF WILLIAM

be prepared to meet any opposition brought upon him by reason of his plain, scathing denunciation of wrong doers in the community.

King did not hesitate to attack David C. Broderick,—David "Catiline," he called him,—charging that he had sought to have himself elected United States Senator that he might accomplish selfish ends. The next day appeared an exposé of Palmer, Cook & Co., asserted to be on official bonds to an amount in excess of two million dollars. Promising to examine into the official conduct of those responsible, he announced

that "he would make certain parties writhe under the agony to which his exposures would subject them," and continued:

> We have every confidence that the people will stand by us in this contest; and if we can only escape David C. Broderick's hired bullies a little while longer, we will turn this city inside out but what we will expose the corruption and malfeasance of her officiary.

Seldom indeed has it been given to a newspaper to wield so powerful an influence in a pioneer community as was given to the San Francisco *Bulletin* under the aggressive control of James King of William. It was a real historic force, richly deserving the characterization given by Theodore Hittell:

> No such a newspaper, or anything like it, had appeared in the city or county and perhaps not in any other country before. It was an ideal fighting journal. It was heroic. Whatever might be its mistakes and its errors, it was sincere and it meant right. And the better class of people almost at once felt it to be such . . . it went on increasing its circulation and every couple of months enlarging in size until it far outstripped in power and influence any and all other newspapers in the city. It was exactly what the people wanted and they responded unreservedly.

But while King was in truth a terror to the evil doer, he was not immune from personal attack. In his paper of the afternoon of May 14, he published an article opposing the appointment of John W. Bagley to a position in the custom-house, chiefly on the ground of Bagley's participation in a disreputable election fight with one of the San Francisco supervisors named James P. Casey. In the article he made caustic reference to Casey's reputation in these words:

> The fact that Casey has been an inmate of Sing Sing prison in New York is no offense against the laws of this state; nor is the fact of his having stuffed himself through the ballot-box, as elected to the board of supervisors from a district where it is said he was not even a candidate, any justification why Mr. Bagley should shoot Casey, however richly the latter may deserve having his neck stretched for such fraud on the people.

Shortly after the appearance of the paper, Casey called at the editorial room and demanded of King an explanation of the article, objecting particularly to the allusion of his prison experience. A brief altercation followed, other persons being in the room at the time, when King said to his caller, "There's the door! Go! Never show your face here again!" Casey's passions were now aroused to such a pitch that he sought early opportunity to take King's life. What happened that fateful afternoon is related in the *Bulletin* of the following day:

> At a few minutes before five o'clock Mr. King left his office, as usual, for dinner. He walked on the pavement in front of Montgomery Block, going northward. At the Bank exchange he crossed the street diagonally towards the Pacific Express Co's. office. Casey, who had been previously observed walking on the west side of Montgomery street, opposite Montgomery Block, as if watching for King's appearance, was at this time on the pavement in front of the Express office.

> He was observed to step into the street as King crossed, and, suddenly throwing off a short cloak which he wore, presented a revolver at King's person, when he and King were only a few feet apart, and fired. The morning papers differ somewhat in their accounts of this attack. One asserting that Casey said: "Draw and defend yourself." Another, that Casey said: "Are you armed—I am going to shoot you" —at the same time firing. King did not hear any such words, nor had he the least notice to defend himself. He heard a noise like a person crying "Come on," or something like that, and at the very instant, saw a pistol pointed at his breast, which was fired. The "Come on," and the firing were as closely simultaneous as could be. Mr. King, in the anticipation of death, has made this statement to the proprietors of the paper, and to the friends around his bedside.

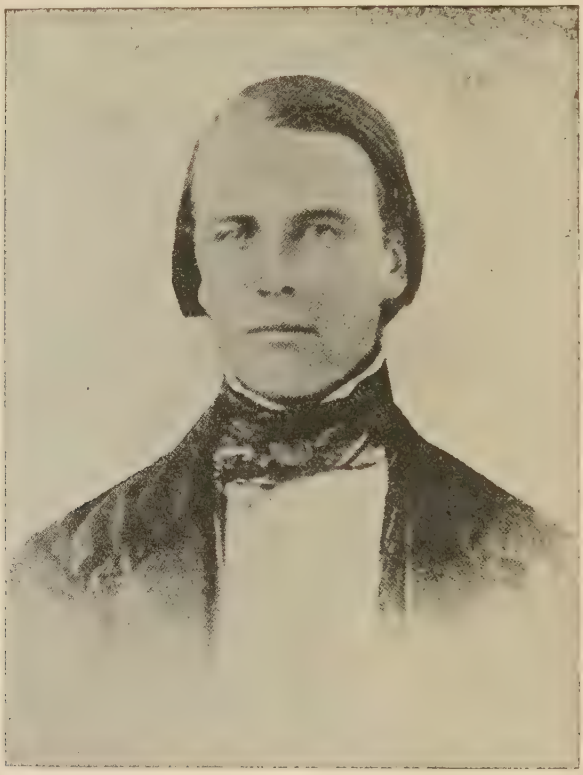
Casey was rushed to the station-house and locked up; but almost instantly the street was filled with wildly excited people, running about in every direction, demanding that Casey be "run up to the first lamp post." On learning a few minutes later that he was in the jail, the crowd surged toward the City Hall muttering threats of taking him out by force, at the same time setting up a clamor for Cora. In King the liberty-loving, upright citizens recognized their friend and champion,—and now he had been shot down in cold blood. The popular excitement waxed greater and greater until it amounted almost to frenzy. Repeated demands were shouted that the prisoner must be taken out and hung,—but there was no organization, and the jail was strongly guarded. At length Mayor Van Ness made his appearance at the jail and urged the crowd to disperse quietly; but he was unable to abate the tumult and was compelled to retire. So threatening was the situation that by ten o'clock it is said there were three hundred men to guard the prisoner. By one o'clock the crowds had scattered, but a powerful guard was maintained all night about the jail.

Among the prominent citizens who had quickly made their way to the Plaza, where excited crowds had gathered, was William T. Coleman, the well-known chairman of the Committee of 1851. Being importuned to organize a new committee, he at first declined; but finally he was constrained to yield to the urgent appeals of fellow citizens.

> "The result of it all," he afterward wrote, "was that I finally consented to take charge and organize the committee, providing I should have absolute control—authority supreme. We organized and within twenty-four hours we had fifteen hundred members, all well-known leading men of the city. They took a strong oath pledging their lives, fortunes, and sacred honor to the cause, and promising to stand by one another under all circumstances, and not to divulge any transactions of the committee. . . . Within two days after the first meeting 2500 men were enrolled and equipped with arms, while drilling was carried on constantly day and night. Such was the zeal and intelligence of all, that soldiers were formed of men who but a few days before hardly knew how to handle a gun."

Seldom has the pen of the historian recorded a swifter, more determined movement among the masses of the people of a city than was exhibited during the first days of the great San Francisco Vigilance Committee.

To be sure, there was opposition to the Committee,—opposition the more bitter because of the impetuous attacks and reckless personalities in King's paper. While the Committee was in reality "the champion of justice and of right," it was instantly assailed as the champion of James King of William, and it therefore found a number of his personal enemies arrayed against it. Along with these were numerous officials



WILLIAM T. COLEMAN

of the city, a majority of the lawyers and some of their clients, and a large number of the "toughs" and more disreputable element of the city. The general situation has been well summed up in the brief statement: "The shooting down of one of the best citizens, in broad daylight, in one of the principal streets, justly aroused the better people with indignation, and a determination to redress their wrong." Coleman estimated that the Committee had about seven-eighths of the people with it.

King's condition was regarded with the utmost solicitude. For a time hopes of his recovery were entertained. In spite of the best care of a

group of physicians and the tender ministrations of his devoted wife, however, he breathed his last at half past one o'clock, Tuesday, May 20, in the prime of his young manhood, leaving his family of a wife and six children, all under fourteen years of age. The announcement of his death was like an electric shock: "it passed from man to man, and from street to street, until, in a few moments, it was known all over the city." At last King had succeeded in arousing in his city the spirit for which he had incessantly labored—but it had cost him his life!

Wednesday, May 21, was given up to mourning: a general quiet—the first since the fateful shooting—pervaded every quarter of the city. On the following day funeral ceremonies of a most imposing character were performed. The earthly voice of James King of William was forever silenced, but the note of his prophetic spirit rang out high and clear from the grave.

The rumors that on the very night of the shooting had gained circulation to the effect that a vigilance committee was organizing proved to be well founded. At the suggestion of Coleman, the new organization maintained an impersonal character, each member being known by his number only. Acquiescing in a general desire, Coleman himself was Number 1. Each member was required to take an oath of fealty to the organization, pledging his life, liberty, property, and sacred honor. The work of enrollment proceeded with great rapidity. First among those to join were members of the Committee of '51.

The actual organization was effected by the election of a president, eight vice presidents, a secretary, a treasurer, and a sergeant-at-arms. It was decided to have an executive committee to maintain general direction of the whole membership, an examining committee, a chief of police, and some twenty-five policemen. Here was an organization built for speedy and effective functioning,—purely ornamental features were conspicuously absent. The motivating thought and dominating character of the Committee of Vigilance are made clear by a study of its constitution, adopted May 15, 1854. Extracts from that remarkable document are given here:

> Whereas, it has become apparent to the citizens of San Francisco that there is no security for life and property, either under the regulations of society, as it at present exists, or under the laws as now administered; and that by the association together of bad characters, our ballot boxes have been stolen and others substituted, or stuffed with votes that were not polled, and thereby our elections nullified, our dearest rights violated, and no other method left by which the will of the people can be manifested; therefore, the citizens whose names are hereunto attached, do unite themselves into an association for maintenance of peace and good order of society—the preservation of our lives and property, and to insure that our ballot boxes shall hereafter express the actual and unforged will of the majority of our citizens; and we do bind ourselves, etch unto the other, by a solemn oath, to do and perform every just and lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered; but we are determined that no thief, burglar, incendiary, assassin, ballot-box stuffer, or other disturbers of the peace, shall escape punish-

ment, either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of police, or a laxity of those who pretend to administer justice; and to secure the objects of this association, we do hereby agree:

1st. That the name and style of this association shall be the Committee of Vigilance, for the protection of the ballot-box, the lives, liberty and property of the citizens and residents of the City of San Francisco.

7th. That the action of this body shall be entirely and vigorously free from all consideration of, or participation in the merits or demerits, or opinion or acts, of any and all sects, political parties, or sectional divisions in the community; and every class or orderly citizens, of whatever sect, party, or nativity, may become members of this body. No discussion of political, sectional, or sectarian subjects shall be allowed in the rooms of the association.

8th. That no person, accused before this body, shall be punished, until after fair and impartial trial and conviction.

9th. That whenever the General Committee have assembled for deliberation, the decision of the majority, upon any question that may be submitted to them by the Executive Committee, shall be binding upon the whole; provided nevertheless, that when the delegates are deliberating upon the punishment to be awarded to any criminals, no vote inflicting the death penalty shall be binding, unless passed by two-thirds of those present and entitled to vote.

10th. That all good citizens shall be eligible for admission to this body, under such regulations as may be prescribed by a committee on qualifications; and if any unworthy persons gain admission, they shall on due proof be expelled; and believing ourselves to be executors of the will of the majority of our citizens, we do pledge our sacred honor, to defend and sustain each other in carrying out the determined action of this committee, at the hazard of our lives and our fortunes.

The organization speedily being accomplished, and applications for membership literally pouring in from all sides, the executive committee lost no time in giving serious consideration to matters of prime importance. Most vital of all, however, was the resolution that the membership of the Committee should, at a time to be set by the executive committee, visit the county jail and remove Casey and Cora for the purpose of giving them a fair trial and pronouncing such sentence as the dictates of justice might require. It was furthermore decided that the executive committee should report the names of persons who were "notoriously, undeniably and criminally obnoxious to the community and dangerous to the lives, peace and property of the citizens," with a view to ridding the city and state of their presence. This "black list," with its consequent banishments and voluntary leaves-takings, proved to be a very significant part of the Committee's activities. Coleman's proposal to organize into companies of a hundred each, with ten companies to a regiment, being approved, division into companies was at once effected, each company submitting its own list of officers for approval. With the authorization of a permanent secretary for the executive committee and of an alarm bell for the use of the entire body, within fifteen hours of the first meeting, the San Francisco Committee of Vigilance of 1856 was in working order and ready for action.

A letter prepared by the executive committee addressed to Sheriff David Scannell served notice that the sheriff and his deputies would be held strictly accountable for the safe custody of prisoners. This letter, the first of a famous series signed by "33 Secretary," meant far more than appeared on the surface, and the sheriff understood. He was confronted with a spirit of disaffection on the part of the volunteer military of the city and by the swiftly spreading sentiment in favor of the Vigilance Committee. Mass meetings were held at Sacramento, Stockton, Marysville, and other points in the interior,—all were practically unanimous in their expressions of sympathy with the objects of the committee. Telegraphic dispatches were received from San José, Sacramento and other centers containing resolutions of endorsement and offers of active assistance to the Vigilantes. The movement was gaining momentum with every passing hour.

While the anxious populace eagerly awaited every fresh bulletin from King's bedside, a constant watch was maintained about the jail by a deputation of the Vigilance Committee to make certain that Casey could not be removed in disguise.

In response to a telegram from Mayor Van Ness, Governor John Neely Johnson came down from Sacramento to take official cognizance of the threatening situation. The Governor and Coleman were quickly brought together in an important interview in the Continental Hotel. The work of the Committee was broached immediately. Of the interview Coleman later wrote:

> He asked what we wanted. I answered that we wanted peace. We would like to have it without a struggle, but if it must be at the cost of war, then we must have war. He asked what we wanted to accomplish. I told him, very much what the Vigilance Committee of 1851 accomplished—to see that the laws were executed upon a few prominent criminals whom the officers of the law had allowed to go unpunished; to drive away from the State some notoriously bad characters; to purify the atmosphere morally and politically, and then to disband. I told him the names of the people in this organization were a guarantee to him that there were no personal aims, or ambitious, nothing in view except the work of the public good. . . . "Now, Governor," said I, "you are called upon by the mayor and a class of people here to bring out the militia and try to put down this movement. I assure you it cannot be done, and if you attempt it, it will give you and us a great deal of trouble. . . . Allow us to take up the work and get through with it, as he [McDougal] did, without anything more than a formal opposition by the State. Do your duty in issuing your proclamation and manifestoes, and maintaining formally the dignity of the law, but leave to us the work, and we shall get through with it in a short time and quit, and quit gladly." He slapped me on the shoulder and said, "Go it, old boy! but get through as quickly as you can. Don't prolong it, because there is a terrible opposition and a terrible pressure." . . . He said he appreciated the situation, that he knew me very well (we had always been close friends), and he knew those associated with me; he had been called down from the State capital; he was now satisfied, and he would leave the field to us in confidence.

So far from leaving the field to Coleman and the Vigilance Committee the Governor pursued a very inconsistent course of action, which later might have brought on civil war had not his efforts been so utterly futile and lacking in substantial support. He seemed quite incapable, on the one hand, of coping with the difficult problem in any adequate manner, or, on the other, of rising to the concrete situation in the broad spirit of wisdom and conciliation. The Law and Order Party, which offered persistent opposition to the Vigilantes, received his earnest support, but can hardly be said to have been greatly aided thereby.

In the meantime the members of the Committee were thoroughly aroused and "determined to go through with the undertaking"; and, continues Coleman, "there was not power enough in the State to stop them." While early negotiations with the Governor were still pending, a small force of Vigilantes was placed in the prison as an additional guard, and a pledge was given "not to take the prison or make any movement against it without giving the Governor notice." But Coleman declared that "Johnson's dorsal vertebrae proved too weak to stand by his word": accordingly the executive committee sent him this communication:

> We beg to advise you that we have withdrawn our guard from the County Jail.

The events of Sunday, May 18, were such as had never been witnessed in San Francisco. Twenty-six companies, each with its captain and four lieutenants, having been drilled day and night, stood ready for immediate action. They were armed with two thousand muskets, besides numerous rifles, shot guns, knives and revolvers, and one field piece. Shortly after 12 o'clock the companies, all placed in charge of field officers and all under the direction of Chief Marshal Charles Doane, awaited the word of command. "It was a strange sight," wrote Frank Meriweather Smith; "men of all classes, ages and nations, men of wealth, and men of poverty. The clerk, the porter, the father—the citizen and the patriot: all enrolled in this volunteer company of citizen soldiers, and all bent on the accomplishment of a certain object." The marvelous military efficiency of this citizen army is partially explained by the fact that several of the regular companies of militia, which had disbanded when asked to support the Law and Order Party, had reorganized as companies of the Vigilance Committee.

The campaign had been well planned: it was executed with methodical precision. The jail was approached from different directions: the assembled crowds saw gleaming bayonets approach simultaneously from Stockton, Dupont and Kearny streets. When the companies drew up, the troops commanded the entire square bounded by Broadway, Vallejo, Kearny and Dupont streets.

In a private letter from San Francisco published in the *Illustrated London News* of July 12, Casey's seizure is graphically described:

> On Sunday morning, at 9 o'clock, the divisions began to assemble at their armouries. At half past eleven o'clock lines of citizen infantry

were marching from different points towards Broadway, in which the gaol was situated. The force numbered 1,500 bayonets. Presently followed a company, one hundred strong, of riflemen, then the artillery and a part of a Company of horse. Five hundred men, armed with revolvers, also passed into Broadway. Eight hundred men remained in the armouries as a reserve. The spectacle was a most solemn and imposing one. No bugle's blast or beat of drum was heard—nothing but the heavy tread of masses of armed men. Scarcely a word was spoken by the thousands of spectators who almost choked up the streets. The people in a few minutes covered all the steeples, houses and hills in the vicinity of the gaol. The two thousand armed men were drawn up on every side of the building, as for a siege. The rifles were posted on the roofs of the houses overlooking the prison. A heavy piece of ordnance was planted, pointed dead at the great iron door, and loaded on the spot. A man stood beside it, with match lighted. Stones were deliberately carried up the steps, and placed in the gunports of the prison.

When all was ready the demand was made. The city military and the guard of the sheriff having refused to act, there was no remedy but submission. Casey was taken from the prison, placed in a carriage, and guarded by a detachment of horse and infantry to the headquarters of the committee. The major part of the military remained in position around the gaol. In one hour, the committee again entered the gaol, demanded and obtained possession of Charles Cora, the murderer of Marshall Richardson. So solemn a procession never before moved through the streets of San Francisco, as that escorting Charles Cora to the committee rooms. In front, on each side and in the rear of the carriage, 500 bayonets glistened in the sun, and the deathlike stillness was broken only now and then. As the solemn cortege passed a corner, the window of the carriage was partly opened to admit air, and I saw Cora's face; his eyes were half closed and a ghastly pallor overspread his countenance; he looked like death itself. I understand that on arriving at the committee rooms he fainted. Casey exhibited more 'pluck' and if he is sentenced to death will probably die 'game.' At six o'clock p. m., notice was posted that no more proceedings would be taken by the committee until the morrow. The citizens mostly retired to their homes. Three hundred armed men, who were relieved every three hours kept guard over the city all night to prevent rows or vengeful fires.

The trial of Casey and Cora was set for May 20. The decision was to be by ballot, and in case of conviction it was to be reported to the general body of the Committee for approval. Scarcely had the trial been begun when Marshall Doane announced the death of James King of William. The excitement that prevailed in every part of the city was intense, but the people were quietly notified that the trials of Casey and Cora were progressing with befitting deliberation. At the conclusion of the trial each man was unanimously adjudged guilty of murder. Later the verdicts were unanimously approved by the board of delegates, representing the twenty-seven companies of Vigilantes.

While the solemn funeral cortege of King moved through the streets of San Francisco, a very different scene was being as solemnly enacted at the rooms of the Vigilance Committee. Preparations being fully completed, the signal was given at twenty minutes past one o'clock, and—

the military force being brought to present arms—the condemned men were made to suffer the extreme penalty of their guilt. The scaffold was in plain view of the assembled multitudes, who maintained perfect silence during the solemn ceremony.

> "That great and solemn act,"—thus wrote William T. Coleman,—"due to self-defense and the safety of the community, was fulfilled, and these turbulent spirits who had defied the laws of God and man paid the last and severest of penalties. No one more than the chief actors in this drama felt the gravity and solemnity of the occasion. No one would more gladly have been acquitted of these duties than they. But there was not a scintilla of hesitation, doubt, or fear. The work was done under solemn dictates of duty, even with pure Christian spirit, and while technically outside the law, with due and solemn reverence for the law as it should be executed."

The day following the execution, we may well believe, was the first in a period of ten days in which the business of the city resumed its normal course.

On the second of June Governor Johnson addressed a formal communication to Major-General W. T. Sherman, in charge of military forces, in which he solemnly stated that information had reached him to the effect that "an armed body of men are now organized in the City and County of San Francisco, in this State, in violation of law; and continuing:

> . . . you are therefore commanded to call upon such number as you may deem necessary of the enrolled militia, or those subject to military duty, also, upon all the voluntary independent companies of the military Division under your command,—to report, organize, etc., and act with you in the enforcement of the law.

Sherman's call for recruits met with weak response. His own position was one of much difficulty. As a banker he had accepted the Governor's commission with reluctance, feeling it to be imprudent, and he was interested as were men of the Committee in purging the community. In his private correspondence he had referred to Casey and Cora as scoundrels and had said (referring to the night when King was shot): "had the populace got Casey that night and hung him, I would have rejoiced." After his conference with Coleman in which he had been assured that the purpose of the Vigilance Committee was not the subversion of law, "but to assist it in purging the community," he wrote: "All this was fair, and we almost coincided with him in opinion." On the fateful Sunday above referred to, he wrote:

> All the elements of the Paris committee of safety are here, and once put in motion they cannot be stopped. I regret having been placed in this position, but I am bound in honor to serve the Governor of the State to the best of my means and ability.

On the day following King's death he said, in a letter to his father-in-law, Thomas Ewing:

> At no time, by concentrating these discordant elements, could I count on more than one hundred inexperienced men. . . . I have

> never attempted to exercise authority, because there were no forces, or what few there were in the shape of volunteer companies were on the other side, or so unreliable that none but a fool would count on their fidelity in time of real danger. Therefore, whenever called on I have advised, but have declined to attempt action without reliable men. . . . The entire community was on one side.

Nothing could serve better to reveal unmistakably the sentiment and sympathies of San Francisco than these and other like expressions found in the correspondence of General Sherman, charged by the Governor with the "enforcement of the law"! It is no wonder that the Governor's proclamation "was considerably laughed at, coming as it did, at such a late hour." Nor is it any wonder that the *Alta* was severe in its censure of the General.

> "What does Major-General Sherman wish to do?" it asks. "Is it his wish to bring the army of ballot-box stuffers and rowdies which he may raise, in collision with the decent, respectable citizens of San Francisco? Is the military glory which he might attain, by leading on a horde of villains against the citizens, sufficient to compensate for the execution which he will justly receive?"

In the meantime Sherman met the Governor and General John E. Wool at Benicia, site of the United States Arsenal. On being asked by the Governor whether, in the event it became necessary for him to call out the militia to enforce the laws, he could be depended on him to furnish a supply of arms, General Wool replied, in substance, that "no person except the President of the United States could grant arms or munitions to a State in case of an insurrection, but a case might arise when a general of a division might take the responsibility and this might be one." Failing in their attempt to secure any assurances of Commodore Farragut, in charge of the Navy Yard at Mare Island, the Governor placed his main reliance in General Wool, in case of need for arms.

On June 1 a writ of *habeas corpus* was issued by Justice David S. Terry of the Supreme Court, "commanding the sheriff to bring before hm the body of one Mulligan, known to be in the cells of the Vigilance Committee." The writ being disregarded and resisted, Johnson wrote Sherman the order quoted above. And when men began to enroll and companies began to be formed, much alarm was felt among the moderate people over the prospect of serious conflict. Johnson's activities, and his published declaration that the country was in a state of insurrection, forced upon the Vigilance Committee the necessity of an unwelcome program and of greatly augmenting its forces. The prospect of serious conflict was largely removed, however, by General Wool's reply to the Governor's request for arms and munitions, which was, in effect, that "in the then state of feeling he thought it unsafe to send arms to San Francisco." This unexpected check was quickly followed by further visits to Benicia. Johnson was now surrounded by men known to be of the most ultra kind,—Terry, Baker, Jones, and others,—"the men against whom of all

others in the State," wrote Sherman, "there lie the most violent prejudices, and who knew that I did not like them."

Events hastened. Johnson treated a courteous committee of moderates in so haughty and inconsiderable a manner that they abandoned hope of reasonable compromise and accommodation. In spite of Wool's refusal to reconsider his decision not to furnish arms and munitions—which in itself spelled absolute failure of the Law and Order program—the Governor was led to believe that the committee was "caving in," and he fondly imagined he could force the members speedily to disband absolutely, and submit unconditionally. Sherman, convinced that "nine-tenths of the people of the State ratified the acts of the Vigilance Committee," and confronted with Wool's refusal to furnish the only arms to be had, as well as with the Governor's extreme views, which he could not share, felt forced to resign his commission. Sherman's resignation was a thunderbolt which swept away all show of real resistance to the sway of the Vigilantes. Referring to the Governor's plight, Sherman wrote:

> He is now powerless; for the militia, his only reliance to coerce obedience to his orders, have deserted him in mass, leaving him the naked, unsupported position of governor.

We may now once more direct our attention to the development and activities of the great Committee of Vigilance. Very appropriately it had adopted as its motto, *"Fiat Justitia Ruat Coelum"* (Let there be justice though the heavens fall), while its seal contained the symbolic human eye of sleepless vigilance over the legend, "No Creed, No Party, No Sectional Issues." On June 9 the Committee, fully aware of its great strength, issued an elaborate address to the people setting forth fully its motives, its attitude toward the community, and the grounds for justifying its own continued existence. To quote briefly:

> Our single heartfelt aim is the public good; the purging from our community of those abandoned characters whose actions have been evil continually, and have finally forced upon us the efforts we are now making. We have no favoritism as a body, nor shall there be evinced, in any of our acts, either partially for, or prejudice against any race, sect or party.
>
> We have spared and shall spare no effort to avoid bloodshed or civil war; but undeterred by threats of opposing organization, shall continue, peaceably if we can, forcibly if we must, this work of reform, to which we have pledged our lives, or fortunes and our sacred honor. Our labors have been arduous, our deliberations have been cautious, our determinations firm, our counsels prudent, our motives pure; and while regretting the imperious necessity which called us into action, we are anxious that this necessity should exist no longer; and when our labors shall have been accomplished, when the community shall be freed from the evils it has so long endured, when we have insured to our citizens an honest and vigorous protection of their rights; then the Committee of Vigilance will find great pleasure in resigning their power into the hands of the people, from whom it was received.

The headquarters of the Committee were embraced within the block bounded by Front, Davis, California and Sacramento streets and became

known as "Fort Vigilance." The special rooms, on Sacramento Street, occupied about 100 feet frontage, which was protected by a breastwork of bags of sand, piled ten feet high and six feet thick,—whence the name "Fort Gunnybags." Guards were stationed at the passages through the breastwork and at all needful points. On the second floor were located the various departments and the cells for prisoners. A spacious room in which were hung the flags of the different nations served as the executive chamber, in which the solemn trials were conducted. A great alarm bell was suspended on the roof, where also several cannon were planted A powerful guard was kept constantly on the watch, as a protection to "the center of more power, and terror to evil doers than all the Courts or Governors of California; because it had to aid its physical strength, the entire moral force of the State."

SEAL OF THE VIGILANCE COMMITTEE

The executive's committee's "black list" had been steadily growing. But in order to insure careful consideration names were first reported for investigation, and it was determined that no action should be taken except on the concurrence of at least two-thirds of all members present at the meeting. No person was convicted and sentenced to deportation without trial and evidence. Detailed arrangements for sending convicted men out of the country were made, at no little inconvenience; and on Thursday, June 5, the first actual transportations took place. Three men were started for the Hawaiian Islands, and three others for Panamá. Men sentenced to banishment were warned not to return to California on penalty of death. William ("Yankee") Sullivan's ending was a melancholy episode. This well known prize fighter while in confinement at the Committee rooms, expressed extreme penitence for his wayward conduct, and, in spite of repeated assurances that he was not to be hung, he imagined the hangman's noose dangled just over his head. His depression was so intense as to drive him to suicide, which he accomplished by servering two large arteries in his left arm by means of a common table knife. Sullivan has been referred to as "a man of low instincts and cowardly nature, utterly unworthy of trust or confidence." He was

equally skillful as pugilist and ballot-box manipulator, one of his achievements having been, in company with a few confederates, the amazing return of Casey to the office of supervisor.

The penalty of banishment, or "transportation," offered the best solution in numerous cases where obviously the political offenders could not be hung. To provide safe imprisonment for any long term was plainly impracticable, and to permit dangerous characters to be at large would not only be too dangerous but likewise subversive of the very end for which vigilance was invoked; therefore the suggestion of banishment from the State met with much favor, and the forming of the black list proved to be an important part of the Committee's activity in purging the community. Moreover, there can be no doubt that in a number of instances undesirable characters advisedly took their leave rather than by remaining run the risk of trial and consequent banishment, or worse.

The military force of the great Committee was indeed formidable. In a letter dated June 16 General Sherman wrote:

> They have a perfect citadel, with cannon above and below, a perfect arsenal of muskets within, and I do not doubt that six thousand armed men will obey their decrees quickly, energetically, and cheerfully.

At the very time when certain ill-advised leaders in the State were seeking to bring a conflict with the Vigilantes,—thinking that they would never consent willingly to disband and turn the conduct of affairs back to regularly constituted authorities,—the Committee's officers heartily wished their work at an end. It was proving extremely expensive in both time and money: while internal annoyances and external problems caused the leaders to look yearningly to the time of final adjournment. But their power was so secure and their dedication so complete that they were determined to finish their great task and to conclude their labors with befitting dignity. Only thus could they justify their very existence and discharge the grave responsibility they had assumed.

But the most disagreeable work of the Committee was yet to be done. Sterling A. Hopkins, who by his officiousness had worked his way into the police force of the Vigilantes, sought to arrest James Maloney, a custodian of some cases of muskets that were seized. Judge David S. Terry, Chief Justice of the State Supreme Court, who was present in the room, warned Hopkins not to make any such arrest in his presence. Hopkins withdrew; but later he returned with a larger force, determined to take Maloney. Approaching the group—now on the sidewalk—Hopkins attempted to seize his man when Terry interposed with his pistol. In the struggle that ensued Terry drew his knife and inflicted a bloody wound in the lower part of Hopkins' neck. While Terry and his group ran to the armory and joined the Law and Order forces there, the streets at once began to fill, and almost instantly great excitement prevailed.

The executive committee at once ordered the arrest of Terry. Half an hour after the alarm was sounded on the great bell, masses of armed

men completely hemmed in every point where Law and Order forces were suspected of being present. Swift work was made of capturing the armory and taking Terry to Fort Gunnybags. But what should be done with him? Not since its organization had the Vigilance Committee been brought face to face with a problem fraught with such delicacy and embarrassment as that of dealing with an offending Chief Justice of the Supreme Court of the State of California, who, with Volney Howard and others of the pro-slavery faction, had become a leading adviser of Governor Johnson and the Law and Order forces. As Coleman aptly expressed it, the Committee had surely caught its "white elephant."

One thing was certain,—final adjournment must be postponed. The day of Terry's arrest closed with the Committee's authority unquestioned. Hopkins lay dangerously wounded: if he should die, would it be possible to avoid hanging Terry, except by complete and humiliating abdication? Anxious weeks were spent discussing the case, while awaiting the outcome of Hopkins' injury. Fortunately the wound did not prove fatal, the Committee was not coerced into hasty action by its rash friends, and after seven long weeks of detention in Fort Gunnybags Terry was released, returning at once to Sacramento. In the case of Terry, which caused the great Committee so much trouble and concerning which so much has been written without genuine appreciation or understanding, judgment was entered as follows:

> That David S. Terry, having been convicted, after a full, fair, and impartial trial of certain charges before the Committee of Vigilance and the usual punishments in their power to inflict not being applicable in the present instance, therefore; be it declared the decision of the Committee of Vigilance, that said David S. Terry be discharged from their custody; and also
>
> Resolved, that in the opinion of the committee the interests of the state imperatively demand that the said David S. Terry should resign his position as Judge of the Supreme Court.
>
> Resolved, that this resolution be read to David S. Terry, and he be forthwith discharged from the custody of the Committee of Vigilance on this being ratified by the Board of Delegates.

Even before the Terry-Hopkins affair, a young man named Philander Brace had been arrested for various offenses including that of the murder of Joseph B. West more than a year preceding. Because of the absorbing interest in the Terry case, Brace's trial had been postponed. On July 27 the trial was resumed, and on the following day the verdict of guilty was reached: Brace was sentenced to suffer the penalty of death.

In the meantime, on the afternoon of July 24, the day after the verdict of guilty of assault had been reached in the case of Terry, Joseph Hetherington shot down Dr. Andrew Randall from whom he had undertaken to force payment of a debt by hounding him with insults and threats. Two days later, after Randall's death, Hetherington was brought to trial, was found guilty of murder and sentenced to death. The execution of Brace and Hetherington took place on a scaffold erected for the purpose

on Davis Street, between Sacramento and Commercial, in the presence of immense crowds of people. These were the last hangings by the great Committee of Vigilance.

Finally came the day of adjournment. The Committee's active work came to an end in a most imposing demonstration. The grand military review of August 18 formed a fitting close for what Hubert Howe Bancroft pronounced "one of the grandest moral revolutions the world has ever witnessed." Theodore Hittell's description of the parade is as follows:

> By nine o'clock in the morning of the day the streets were filled with armed men and by eleven o'clock thousands of citizen soldiers were marching to the music of their bands towards their appointed stations amidst dense masses of spectators. The various companies, which formed a line extending the whole length of Third Street, about one mile long, were there reviewed by the executive committee and board of delegates. After the review the lines formed into procession, led off by Marshal Doane and staff. Next came the light artillery and marine artillery in four companies, with fifteen mounted cannon drawn by six, four and two horses, according to size of gun. Next was a mounted structure, representing "Fort Gunnybags". . . . Then followed the executive committee mounted, three abreast, and after them two companies of dragoons, each preceded by a band; and then the medical staff of about fifty members. After these marched representatives of the vigilance committee of 1851, and then in order four regiments of infantry, each consisting of eight companies, except the last which had ten. Each regiment consisted of something like eight hundred men. The march was from Third street into Market and thence to Montgomery, Clay, Stockton, Vallejo, Powell, Washington, Kearny, California, Sansome, Clay, Front and Sacramento to headquarters, where they deposited their arms and then dispersed to their homes.

The magnificent display, unsurpassed by anything of the kind ever undertaken in the city, called forth expressions of pleasure from the executive committee.

The formal address that marked the close of the Committee's work was reported by Henry M. Hale on August 26 and published in the newspapers of the next day. Such was the unanimity of sentiment in the community that it was not found necessary to bring the vast membership together again; but the executive committee met frequently, continuing, in fact, for several years. There had been four executions, and about thirty undesirable characters were transported from the State. The Governor's proclamation of June 3, declaring the County of San Francisco in a state of insurrection, was withdrawn exactly five months later, or on the day before the November elections. That the work of vigilance was one of splendor and permanence is attested by the city's approval of civic reforms espoused by the newly formed People's Party. For years San Francisco was one of the best governed cities of the entire country.

The motives of the men of courage who willingly sacrificed private interest in order to discharge a great social and civic duty are unimpeachable. Although a few bad men found their way into the ranks of the

Vigilantes, hundreds of prominent members might say, as did James D. Farwell:

> I went into that Committee with as earnest a sense of duty as I ever embarked in anything in my life. I went into it as a religious duty to society, . . . I and my companions of the executive committee also, to a man, were governed by the purest motives.

In closing this chapter it is fitting to remark that in any calendar of great Californians, the name of William Tell Coleman, President of the Committee of Vigilance, must be accorded a conspicuous place of honor. His supreme courage, his consummate ability in generalship, his absolute personal honesty and the rare poise of his judgment, and withal his noble, self-sacrificing devotion to public duty mark him as one of the truly great whether we view these as qualities of the man or as measured by their beneficent results. When "Old Vigilante" died in 1893, the venerable editor of the New York *Sun* wrote: "Surely if there are great men now-a-days, Coleman was one, and they who knew him truly as he was, may well be grateful to Heaven for the privilege."

CHAPTER XXIII

EARLY DEVELOPMENT OF COMMERCE AND INDUSTRY

It was not to be expected that California would, or indeed could, during the restless early years of her statehood experience an orderly and stable development in the realm of commerce and industry. The many currents and counter-currents of surging life and activity, the quick changes and transmutations that manifested themselves in every phase of the highly dynamic society, in a land that was itself strange to most of the citizens, rendered impossible any accurate or even approximate forecast of events or of business conditions from one year to the next, even if men had then been skilled in making forecasts—which was not the case. While therefore the development of early commerce and industry was admittedly erratic, it was nevertheless real; while it was not closely calculable in advance, it was none the less substantial in actual happening. Modified and buffeted about as it doubtless was by unforeseen and unique exigencies, the material development of California was unmistakably forging ahead with genuine momentum; order and system were in truth rapidly emerging.

The fur trade along the Pacific Coast inevitably diminished as the fur-bearing animals suffered gradual extermination. Trade in hides and tallow in California had been developed to very considerable proportions by the Spaniards and their Mexican successors. With the downfall of the Franciscan missions, however, the vast herds of cattle were for the most part destroyed or dispersed; as a natural consequence the industry in hides and tallow ceased to flourish—at least for a time.

Nevertheless for many years trappers continued to seek the beaver along the Sacramento River and its tributaries, and a few furs were still being purchased at county stores for San Francisco dealers as late as the '80s. San Francisco became the center of the fur trade of the coast, but the chief source of supply shifted to Alaska. As for hides, the manufacture of leather, whose beginnings date from the mission days, was favored by the presence of an abundance of chestnut, or tan-bark, oak, and the excellent quality of tanned products. At a later time the Civil War gave a great impetus to the industry, and by 1881 the production of leather was in excess of 8,700 tons, valued at more than three and a half million dollars.

While the production of wool in California dates from an early period, —the record for 1854 being 175,000 pounds,—the amount was for some

time comparatively small, and the manufacture of woolen goods was of little commercial importance until December, 1859, when the San Francisco Pioneer Woolen Factory was opened. From modest beginnings the activities of this factory gradually expanded: within two decades it had a thousand employees and an annual output amounting to $1,500,000. In the meantime the production of wool in the State rose to 14,000,000 pounds in 1869, and to 56,000,000 pounds in 1876. Besides meeting the requirements of her own mills California exported over 3,700,000 pounds of wool in 1861, the chief market being New York, which likewise absorbed the entire supply of hides exported from the State during that year. But while wool has long been a staple in California, the manufacture of woolen products in recent years has been rendered economically unprofitable by the high wages and other costs together with the large importation of cheap goods from the east.

The whaling industry, which had been pursued in the Pacific since long before the acquisition of California by the United States, increased to such an extent that in 1855 some five hundred vessels were thus employed, the chief rendezvous being at the Sandwich Islands. From 1865, however, San Francisco became the headquarters for this industry.

Modern commerce in California, like so many other phases, dates from the gold rush of 1849. Ships came with immigrants and supplies of all sorts and kinds from the seven seas. Up to this time the American business man had been densely ignorant of California, which therefore held little of attractiveness to him. Even for years afterward—if we except the comparatively limited areas of San Francisco and the mining districts—the great potential State of California remained for most part *terra incognita* to the typical American in the east.

Conditions of trade and business during the mining days were wholly exceptional, as is already well understood by the reader. One result of the gold excitement was an abnormal stimulation of shipments of an endless variety of merchandise into California, including old, shop-worn goods, "raked from dusty shelves and sent off, without regard to suitability to the state of the market." Another was the phenomenal and erratic rise in prices, particularly of certain staples which at times could scarcely be had in California at any price. The demand for fresh eggs and apples, for example, brought their prices to two and three dollars apiece; while saleratus, as a substitute for baking-powder, rose to an altitude of sixteen dollars a pound!

Enormous profits were realized from many of the first shipments to San Francisco; but as miscellaneous and ill-assorted cargoes poured in from Atlantic ports, with utter disregard for actual demand, the harbor became crowded with vessels without wharves or lighterage facilities, while storage rates became prohibitive and ship-masters set up a clamor for payment of their freight. The local market was inevitably subject to violent and extreme fluctuations.

> "The only course," continues Bancroft, "was to sell the cargoes at auction. And here ensued another scramble to be first in the market before the prices dropped to nothing under the inflowing consignments. To this, indeed, it did come. Goods became unsalable. Some were left to rot with the deserted vessels; others were thrown out from the warehouses to serve for sidewalks and street fillage. Toward the end of the year came heavy rains to close interior traffic and increase the stagnation, until flour fell below $7 per hundredweight, and other supplies in proportion. Failure followed failure; real estate was cast upon the market to be sacrificed at one-tenth its cost; fires came to ruin others, and in September 1850 a commercial panic was in full blast."

Sometimes fortunes were won or accumulated with startling rapidity: but on the other hand, fortunes were lost quite as suddenly. Nor was the winning or losing by any means always a mere matter of luck or chance. Never perhaps were pluck, business fortitude and far-seeing sagacity—coupled with downright hard work—more generously rewarded, nor shiftlessness and arrogant inefficiency more certainly penalized. An illuminating episode is recorded in the manuscript of Rachel Jackson Gift Wood, widow of a pioneer merchant of 1850. Wood and his partner owned four fire-proof stores (at Yreka, Scott River, Shasta and Red Bluff, respectively), wagons and mules without number, and several thousand acres of land. One of their deals is thus interestingly described:

> He spent much of his time in San Francisco, buying and forwarding goods to their stores. I believe it was in the fall of 1852 or 1853, that he was in Yreka. He called at the different stores and made a note of their supplies of flour, and concluded they would be very short of bread before winter was over. I believe the population of that place was eight or ten thousand at that time. He divided his pack train of 130 mules, putting Mr. W. B. C. Brown in charge of half of them, and sent him to Jackson, Oregon to load with flour. Mr. Wood came to Sacramento, and loaded his half of the pack train also with flour. The reason he divided his pack train and sent them to different places, was, that neither of those places could supply as much flour as he required. Before they started they arranged to form a junction. Both trains were snowed under, Mr. Wood being within fifty miles of Yreka. The snow seemed fanthoms deep, and he fully expected to lose all his animals and cargo. The men had nothing to eat but tautears, having nothing in sight but flour and snow. After a few days he noticed his mules were looking a little better. They would root in the snow and browse. He had to remain there with his pack train fifty days, the snow then began to melt and they loaded up and hurried out, as he wished to be the first to feed the 'hungry multitude', and besides there were other trains close on his trail. His trains were the first to arrive. The people came out in throngs to meet him. They had not had a bite of bread for six weeks or more. The first day he secured one dollar and a half per pound for the flour and the next morning he dropped to one dollar and a quarter a pound, and in the afternoon he sold all that remained for one dollar a pound. After giving away a great deal he made over fifty thousand dollars, all in gold dust. Mr. Brown had the same experience, as they met as previously arranged.

The number of persons arriving at San Francisco by ocean route during the year 1850 has been estimated at 36,000, the overland immigra-

tion being also large. But some writers seem to have lost sight of the fact that many of the argonauts had by this time made their "pile" and were returning to their former homes "back in the States." Taking into consideration the numbers leaving the city for points in the interior as well as the east, the population of San Francisco at the close of 1850 was perhaps 30,000. During 1852, however, the number of immigrant arrivals was placed at 67,000, while the departures amounted to scarcely more than one-third of that number.

It is doubtful whether anything approaching an exact estimate of the imports into California for the years 1849-1852 can ever be made. More accurate information as to the treasure shipped from San Francisco during the period, however, is available. During 1849 the amount approximated $5,000,000; in 1850, more than $27,000,000; the culmination came in 1853, the year of largest gold production, when upwards of $57,000,000—more than a million a week—left San Francisco. During that peak year 1,028 vessels arrived in port, 634 of them being American, and an almost equal number of vessels passed out through the Golden Gate.

Of the 740,000 tons of imported goods some 50,000 tons consisted of flour and meal: other large items included barley, butter, lumber, pork, sugar, coffee, tea, and other provisions, as well as enormous quantities of intoxicating liquors. Theodore Hittell points out that 1853 was not only the year of largest gold yield but also "the culminating year in many other respects." Continuing, he says:

> Real estate in San Francisco was higher than at any former period or for a number of years afterwards; and rents were nearly as high as in 1849. There was still the same old energy and vigor among the people, the same rapid making and reckless spending of money, the same extravagance, gambling and vice. But the city had improved immensely in appearance. . . . It was a great city; everybody was young and wide awake; there were no old people; there were no maimed or deformed people; and when the pioneer of four or five years contrasted what he saw around him with the shaky wooden shells and flimsy tents, the mud holes, sand piles, heaps of refuse and dirty chaparral of 1848 and 1849, everything seemed almost a dream or a scene of enchantment of the Arabian Nights come true.

The violent swing of the financial pendulum in San Francisco, following the "flush days," to severe depression has been referred to in another chapter. From 1855 to 1860 there was in the city a plethora of bankruptcies,—a condition reflected in the other chief centers in the State. Unrestrained speculation and excessive interest rates, together with sudden price fluctuations, were largely responsible for such conditions of instability in the realm of finance as tend to induce disruption and bankruptcy in any community.

An episode that forcibly illustrates the unsettled and adventurous character of the California population was the Fraser River gold excitement of 1858. When gold was discovered on Fraser River, which is in British Columbia, a veritable stampede of California treasure-seekers

immediately ensued. So great was the exodus that many of the interior towns were almost depopulated. It was estimated that 23,000 Californians reached British Columbia by sea during that year: during the single month of April one hundred and twelve vessels, crowded with 15,000 passengers, left San Francisco for the foot of the new rainbow of promise, hoping for a repetition of the days of '49. San Francisco real estate dropped to half its former value, and for a brief period Victoria bade fair to become the chief commercial emporium of the coast.

But the Fraser River gold rush very quickly showed itself to be a huge, disastrous mistake. In wasted time and money it probably cost California not less than $9,000,000. So quick and decisive was the turning of the tide that by the middle of September the migration back to California was well under way, and by the following January the great majority of the luckless pilgrims, after having suffered appalling hardships as well as financial ruin, had returned once again to resume their labors in the more hospitable Golden State. The Fraser River boom had completely collapsed, and has long since been well-nigh forgotten.

The progressive activity in production which commenced in a marked manner in 1860 continued—not without interruptions, to be sure—for many years. That year exports of merchandise increased more than sixty percent over those of 1859, while imports registered a decrease of fourteen per cent—thus showing (aside from the item of gold) California's most favorable balance of trade to that date. Of the exports England took 458,500 centals of wheat and 36,400 barrels of flour, which amounts in turn were vastly exceeded in 1861. Totals for the three years, respectively, are given as follows:

	1859		1860		1861	
	Quantity	Value	Quantity	Value	Quantity	Value
Flour bbls.	26,900	$164,000	115,000	$ 591,000	170,000	$ 894,000
Wheat, centals	131,000	283,000	1,136,000	1,958,000	1,351,000	2,648,000
Barley centals	154,000	196,000	133,000	206,000	374,000	355,000
Oats, centals	180,000	258,000	60,000	76,000	163,000	173,000

For 1862 the value of all exported merchandise amounted to $10,439,000, of which in round figures $2,300,000 represented grains and flour; $1,068,000, wool; $1,034,000, hides; and $1,170,000, quicksilver. The exports for the following year indicated still further progress, the total value being in excess of $13,870,000. The stimulus of very active building in the State brought the lumber imports at San Francisco to a total of more than 107,500,000 feet.

Early in 1863 a mania for "prospecting" seized the people and possessed them throughout the year. Tuthill has given us this description:

> 'Prospecting' was the fever in the blood of the masses. There was a general scouring of the State; a ransacking in all gulches; a testing of the character of the rocks in all localities. In the most isolated regions, and up to the fire limits of the cities, there were little parties of men with pick and hammer breaking off the out-croppings of ledges, and with acids testing them for copper, silver, quicksilver, and other

> metals. Astonishing results followed. The coveted minerals were found in thousands of places. In the 'cow countries' as well as in the foot-hills of the Sierras, north and south, and up to the bluffs of the ocean, amazing discoveries were reported.

It seemed that almost everybody was buying mining stock, and more than a thousand companies were organized. Representatives of all professions and classes were caught by the epidemic,—neither age nor sex brought immunity. Unfortunately, along with the glowing talk about outcroppings, ores, and indications, the stock assessments increased and many a company, in the language of the day, proved to be a plain "bilk." The bubble burst in 1864, "without any noise of explosion." The shares in the few mines that were really paying dividends suddenly dropped in value, some fifty per cent, and some even more. "Then the wild-cat quietly stole out of the night."

Transportation has always been a topic of absorbing interest in the history of California. Following the appearance of the first tiny side-wheeler steamboat on the Sacramento as early as 1847, the development of river navigation was such that in the early mining days light-draught steamers plied the American, the Feather, and the Yuba rivers, and in May, 1850, the *Jack Hays* ascended the Sacramento to Trinidad City, a far northern point in the vicinity of Red Bluff. Likewise the San Joaquin was, during the period of high water, navigated for one hundred and fifty miles above Stockton. Before the end of 1850 the inland fleet numbered about fifty steamers. In 1854 the California Steam Navigation Company was organized by effecting a combination of leading owners, and river navigation continued on a more orderly basis than hitherto, enjoying real prosperity till the appearance of the railroads, which quickly absorbed the bulk of the passenger traffic. From 1853 to 1869 most of the passengers and the greater part of the heavy volume of freight between San Francisco and Sacramento, and between San Francisco and Stockton, were transported by river steamers owned for most part by the California Navigation Company, which, by virtue of the practical monopoly it enjoyed for years, was enabled to pay dividends of two and even three per cent per month. This situation, however, underwent a radical change with the completion of the railroad from Sacramento to Oakland.

Sensational rate wars enlivened the transportation business during limited periods of time, but in the end tended to the impairment of the service and economic loss to the parties concerned. River navigation was further impaired by the serious debris obstructions resulting from extensive hydraulic mining, which literally choked the streams with slickens and brought virtual ruin to great stretches of rich farming land.

Among the keen men of vision first to recognize the commercial importance of the gold discovery were Messrs. G. G. Howland and William H. Aspinwall, projectors of the Pacific Mail Steamship Company, which was organized in New York City in 1848. With the single exception of the Cunard, this is held to be the oldest steamship company in

existence: with remarkable foresight its founders prepared "to establish a line of ocean carriers that would afford the thousand of adventurers, whose faces were turned anxiously westward, a quick and comfortable transit to the new El Dorado." The volume of business of the concern expanded rapidly and constantly until the company came to operate a fleet which for capacity, speed, and beauty challenged the admiration of the world. As a result of the treaty concluded with Japan by Commodore Perry on behalf of the United States, in 1854, there were several voyages from San Francisco to the Orient and the return of the vessels laden with Japanese goods. Thus began a commercial contact for California that has developed many and significant phases in more recent years.

Other navigation companies came into being from time to time, prominent among them being that of Messrs. Goodall, Nelson and Perkins. Coast-wise traffic by steamer began as early as 1854, and regular trips were made as far north as the island of Vancouver. Attempts were made to establish a line of steamers between San Francisco and Chinese ports, but on account of repeated delays it was not till 1866 that the initial trip by steamship was actually made. Nevertheless within comparatively few years the islands of the Pacific, the empires of Japan and China, the ports of Europe, Asia, Africa, and Australia, as well as North and South America, were made of easy access to travel and traffic, under conditions of comfort and safety wholly unknown to earlier navigators. In general, transportation by water was extremely active for the twenty-year period from 1848 to 1868. During the "flush times" the throngs of miners, as well as the traders and professional men, created a brisk demand for heavy supplies of foreign products, which called for the construction of large sailing vessels and commodious steamers. Virtually all of the freight and the great bulk of the travel to and from California took the sea route.

During the decade ending with the close of the Civil War there was a remarkable development industrially as well as agriculturally. While the crops were generally light on account of insufficient moisture, prices were high and profits large. Prosperity was markedly in evidence, induced by war-time conditions no doubt, but heightened by the sudden and enormous yield from the famous Comstock Lode of Nevada and by the breaking of ground for the construction of the Central Pacific Railroad.

By the year 1865 empty vessels were arriving at San Francisco for cargoes of grain, flour, lumber, wool, hides, copper ore, quicksilver, and other natural products; whereas but a few years earlier ships bringing heavy cargoes to California had been compelled to sail away in ballast.

The postal service between California and the outside world was naturally erratic and inefficient for a considerable period of time. The old Mexican system of supply vessels and couriers was improved upon by the early military authorities of the United States, who opened their posts to the public, and private enterprise devised various methods of carrying the mails during the first years of the mining period. In 1851

a semi-monthly service was established for ocean routes and Panamá transit; and in 1858 the limited service maintained by military posts was extended by the government to a regular overland mail. The operation of the unique service of the Pony Express has been elsewhere described. With the completion of the trans-continental railway in 1869 all other mail carriers were quickly supplanted.

Private express companies likewise contributed an interesting chapter to western history, with not a few thrilling episodes. Among the express agencies that appeared during the year 1849 Adams and Company was the most noteworthy. Branches were established in every important town and mining camp. The firm of Wells, Fargo and Company was established in California in 1852. This powerful company, by weathering the financial gale that in 1855 brought ruin to Adams and Company, won a strong position of leadership and ultimately of acknowledged control among express agencies.

Still other instrumentalities of early commerce and industry were the lines of stages and the trains of freight wagons. The latter were composed for most part of "prairie schooners" of from two and a half to eight tons capacity, drawn by from two or three to a dozen yoke of oxen and supplemented here and there in the steeper hill country by picturesque trains of pack mules.

California was the home *par excellence* of the passenger stage. A dozen lines radiated in all directions from Sacramento, chief distrubuting center for all the northern mines. Numerous stage companies were consolidated into the California State Company, which was thus enabled to render a more regular and comfortable service, and which maintained a strong position till the coming of the "iron horse."

> "That valued agent of intercourse, the stage-driver," says Bancroft, "whose self-reliance has been fostered by varied contact with men and the control of brutes of all tempers, developed in California to the highest perfection, and displayed a dash, skill, and gallantry that drew the admiration of travelers from all nations, and has been so frequently described in the writings of tourists and travelers."

The attitude of marked hostility toward banking institutions revealed in the Constitutional Convention of 1849 was no doubt partly responsible for retarding the beginnings and early development of banks and banking operations in California. A firm stand was taken against all banks of issue and in favor of a sound currency. In comparison with the requirements of the great volume of business transactions occasioned by the sudden influx of large numbers of people, the scarcity of money was very pronounced. The small amount of specie composed of American coins, Spanish doubloons, Mexican silver dollars, German marks, and other foreign coins presented no satisfactory or uniform standard, while in quantity it was wholly inadequate. Private firms issued gold coins of several denominations, which, while undertaken for profit, served in a limited way as a matter of public convenience.

But for several years gold dust was the principal medium of exchange; and like other commodities gold itself in the hands of miners was subject to violent fluctuations of value, ranging from as low as four or five to as high as eighteen or twenty dollars per ounce. The par of exchange was ultimately fixed at sixteen dollars per ounce. But the inconvenience in handling "dust" rendered it more and more impossible as a permanent circulating medium. With the establishment of a branch mint in San Francisco in 1854, there ensued a marked change for the better in monetary affairs. Banking as a business experienced slow development.

The "flush days" had come to a spectacular close with the failure of Adams and Company, Palmer, Cook and Company, and a number of smaller concerns, in 1855, and San Francisco was plunged into a period of severe depression, which cast a gloom over the community all the darker because of the wasteful and corrupt administration which ultimately stirred the great Committee of Vigilance into vigorous action and resulted politically in the People's Party movement.

The banking business underwent a complete re-organization, the Savings and Loan Society of San Francisco being the first corporate bank to organize under the general law, in 1857. At the beginning of its career this firm had paid dividends at the fabulously high rate of eighteen percent on deposits,—from which rate, however, it gradually receded, until the moderate rate of five and a half percent was allowed on term deposits. The Hibernian Savings and Loan Society was incorporated in 1859 as a purely mutual bank: re-incorporated in 1864, this has continued its existence as a powerful institution. The Bank of California was incorporated in June, 1864, opening its doors the following month with William C. Ralston as its guiding spirit. Immediately it assumed leadership in financial affairs and enjoyed immense prestige in social and political circles. After a decade of brilliant leadership and apparently properous career, in 1875, "like a thunderbolt from the clear sky," says a writer, "came the report that the Bank of California had closed its doors; and twenty-four hours later the body of its president was found floating upon the waters of the bay."

Indulging in large speculations of his own and promoting undertakings of doubtful personal nature, Ralston had absorbed almost all of the bank's paid-up capital, amounting to five million dollars. Panic seized the city. Other banks, involved in the operations, closed their doors and anxiously awaited developments. Excitement prevailed throughout the State. It was decided that the one method of extrication from the maze of difficulties and obligations was to resurrect the bank: this was undertaken by a syndicate formed for the purpose with William Sharon as president. Considering the magnitude and complexity of the problems involved, Sharon's achievement must be pronounced one of the most brilliant in our financial history. The Bank of California and outside banks resumed payment: with extraordinary ability and force, yet with

remarkable patience, Sharon succeeded in settling up Ralston's complicated indebtedness, and finally D. O. Mills, who had been the first president of the bank, was prevailed upon to take the presidency again for a two-year period. Referring to what followed Eldredge says:

> The prestige of its name, the romance of its history and the hold it had upon the imagination of the people, the character of the men in control, the large amount of its syndicate guaranty as well as the strength and standing of its guarantors, all told in its favor, and proved the perfect success of the rehabilitation—a success more wonderful than was dreamed of by the managers—for, from being the great bank of the state, the Bank of California has become one of the great banks of the nation.

Prominent among the earlier financial houses of Los Angeles was the bank of Hellman, Temple and Company, formed in 1868, out of which was organized, three years later, the Farmers and Merchants Bank, now the widely known Farmers and Merchants National Bank. The First National Bank of Los Angeles, which has come to be one of the most powerful on the Pacific Coast under the presidency of Henry M. Robinson, was an outgrowth of the Commercial Bank, organized in 1876 and granted a national charter four years later.

The history of banking in California has been not unlike the history of the State itself. There was an early exploitative stage, eliciting the prowess of strong, resourceful men, but subject to many vicissitudes of time and circumstance, with here and there a trusted leader who yielded to the pressure of temptation or fell victim of personal ambition. Then there came the starting over again, and as a result of heroic endeavor incredible financial achievement brought restoration of confidence and substantial progress. The costly failures of 1875, however, demonstrated the unwisdom of anything approaching a *laissez-faire* policy, and in 1878 the bank commission act was passed, under which "a board of three bank commissioners was appointed with power to call for statements from the banks, make examinations of their affairs, regulate the conduct of their business, and to close insolvent concerns." During the transition period clearing houses were organized in San Francisco and Los Angeles. In spite of the feeling of hostility toward banks at the beginning of statehood and incidents not a few that tended to justify such sentiments in subsequent years, the banks of California as a class have made an incalculable contribution to the progress of California's commerce and industry, and today they are rendering a service to the commonwealth that it would be difficult to over-estimate. Without such institutions to consolidate and mobilize great amounts of credit, it is quite inconceivable that business and enterprise could show either the volume or the rate of development that we witness and that is truly Californian.

As was quite to be expected, manufacturing establishments of anything approaching standard character were somewhat tardy in making their appearance in California. In addition to the immense distances

from the great manufacturing centers of the country and the highly exploitative nature of industry in this new land during the early mining period, serious obstacles to manufacturing enterprise were encountered in the extremely dear coal and pig iron required and the exhorbitant costs of transportation in both time and money.

Nevertheless the high quality of western enterprise displayed itself in the iron manufacturing business from a very early date. The Union Iron Works—for many years the most extensive foundry on the Pacific Coast—was founded originally in 1849 by James and Peter Donahue. A large business was rapidly built up by the Donahue brothers, who enlarged and improved their establishment from time to time, striving to maintain the supremacy among similar works that were springing up around them. In 1856 James disposed of his interest in the business to Peter, who carried it on in his own name till 1863, when he entered into co-partnership with H. J. Booth and C. S. Higgins. The firm did not prosper as had been hoped, and in 1865 the establishment was sold to a new company composed of H. J. Booth, G. W. Prescott, and Irving M. Scott. The superior knowledge and directive energy of Scott brought him to the premier position, and for many years he was one of San Francisco's most honored citizens, while the products of the Union Iron Works became known around the world.

In the meantime the Risdon Iron Works and the Pacific Iron Works had been established, which—next to the Union—were the largest foundries in San Francisco, where the foundry business as a whole came to acquire outstanding importance. They developed a high degree of versatility in production since they were called upon to turn out work of almost every conceivable variety. By 1876 there were to be found in the city no fewer than forty-seven foundries, machine shops, and similar establishments,—some of them, of course, on a very small scale,—including several needed brass foundries.

With California's vast wealth in primeval forests and the enormous demand for accessible building materials, it was inevitable that the lumber industry should attain a great magnitude. The demand for lumber for purposes of quick construction in rapidly rising cities, towns, and mining camps was phenomenal despite the ruling high prices and the makeshift buildings in the form of tents and mere shanties: this demand stimulated the expansion of the work of planing mills and other establishments of relevant character.

For several years flour was a chief article of import in California. From July, 1853, to June, 1854, a total of some 450,000 barrels was imported. What is more remarkable than this, however, is the fact that during the following year California actually exported flour; for the wheat-producing qualities of the soil had now been demonstrated and the beginnings of commercial milling had been made. As the primitive methods of the Mexicans had been superseded by the system of the old-type mill-

stones, so it remained for subsequent years to witness this time-honored method yield to the new gradual reduction process whose introduction involved a complete reconstruction of the flouring mills.

San Francisco, possessing the chief harbor and being the principal depot for raw materials as well as refined products, naturally became the center not only of California but likewise of the Pacific Coast for manufacturing enterprise and activity. By the close of the Civil War ships were entering the Golden Gate in ballast to load grain, flour, lumber, wool, hides, mineral ores, quicksilver, and other natural products. In San Francisco and throughout the central portions of the State productive enterprises included flour and saw mills, foundries, sugar mills, tanneries, ship yards, potteries, powder works, shoe factories, wagon and carriage factories and still others—all of which afforded employment for thousands of laborers at high wages.

In more recent years a rapid rate of industrial development characterized the various centers of population throughout the State, particularly of southern California. The mild climate came to be regarded as a most favorable condition, affording opportunity, as it does, for steady employment throughout all seasons of the year with but slight interruption, and often obviating the necessity for such expensive structures as are required by the more rigorous winters of the east.

The prophecies of certain bold spirits to the effect that the manufacturing interests of California were destined eventually to surpass both the mining and the agricultural industries must have seemed to most men utterly preposterous; yet the utterances of the prophets are before our eyes rapidly becoming actual history.

PART III

A State Growing in Greatness (1856-79)

CHAPTER XXIV

EARLY STATE POLITICAL HISTORY

While the political history of California during the early years of statehood is by no means devoid of interest and a certain degree of importance, it is readily conceded that when compared with other phases of historical development the annals of politics possesses, for most part, little of human interest, little that is unique or particularly instructive. The actual life of the State, her struggles for social order, her aspirations for enduring progress are far more satisfactorily depicted by a topical presentation of her stirring and salient phases than by a recital—however faithful—of the deeds and misdoings of the politicians.

To be sure, it would be impossible to omit certain outstanding names from any history of California—names like Gwin and Broderick and Terry—and it should be noted that the depths of human passion and the intense bitterness sometimes aroused in the heat of controversy or unrelenting contest were such as are seldom witnessed in our own day. During the early period of statehood, "unfortunately for the later history of the State," to employ the words of Robert G. Cleland, "public morality was so lax and legislative standards so low, that inefficiency and corruption became a sort of traditional heritage of the California Legislature for many years to come." But there is little necessity to multiply words in an attempt to set down in detailed order the chronicles of California's early political history.

The first governor, Peter H. Burnett, was a prominent pioneer, of facile intellect and agreeable temperament, in politics an independent Democrat. His resignation in January, 1851, as a result of certain personal prejudices, brought into power Lieutenant-Governor John McDougal whose weakness for strong drink seriously marred his career as Governor and, later, as United States Senator.

The Democratic Party in the State of California dates its beginning from a meeting held at the Capitol, in San José, in March, 1851. Resolutions were adopted in favor of calling a Democratic State Convention in Benicia for the purpose of selecting candidates and of taking steps for the organization of the party in the respective counties. The convention met May 19, in the Episcopal Church of Benicia, nominated John Bigler for governor, and adopted a long address to the people.

The State Convention of the Whig Party of that year met in the Powell Street Methodist Church in San Francisco, May 26. Person B. Reading was nominated for governor on the first ballot. A long series

of resolutions, reported by J. Neely Johnson—afterwards governor—was duly adopted.

In the campaign of 1851 Senator Gwin, who had returned home following the spring adjournment of Congress, was exceedingly active in canvassing the State in the interest of the Democratic nominees. The result of the September election was the triumph of the Democrats and the election of Bigler to the governorship. The widespread political corruption and seriously defective legislative practices of the time reflect no credit on California politics; but such conditions were comparatively ignored by both political parties. For a number of years there was but slight change in the relative strength of parties, the State continuing Democratic, with the exception of Johnson's Knownothing administration, until the inauguration of Leland Stanford, Republican, in 1862.

The Legislature of 1851 failing to elect a successor to Senator Frémont, Gwin was for the better part of a year the only representative of the Golden State at Washington. It is not to be regarded as strange, therefore, that he came to look upon California as "his particular preserve."

During the legislative session of 1852 assiduous efforts were made to promote and crystallize slavery sentiment in California politics. There was clear discrimination against the negro, and the passage of a fugitive slave act seems strangely out of harmony with the State's anti-slavery record taken as a whole. It was at this time that there arose to prominence one of the most remarkable personalities in the entire political annals of California—David Colbert Broderick, a native of Ireland. Regardless of the bitter opposition of the majority of Democrats, Broderick in season and out waged vigorous and relentless war against slavery extension and against slavery itself as an institution. His overwhelming ambition—amounting to a consuming passion—to be a United States senator and the political activities to which it gave rise find scarcely a parallel in American history. His "fierce resolve" is illustrated by a remark attributed to him:

> Why, to sit in the Senate of the United States for one day, I would consent to be roasted in a slow fire on the plaza.

The first presidential contest in California quite naturally was an occasion of considerable interest. There was a veritable "whirl of political meetings and public demonstrations" during the summer of 1852, with the result that the State went Democratic in spite of the Whig majorities in San Francisco and Sacramento.

The campaign of 1853 brought out a definite split in the Democratic Party, Broderick entering into alliance with Bigler and coming out strongly against the Southern chivalry. The Whigs nominated William Waldo and hoped that the division of the Democrats would insure his election; but Bigler was re-elected by a slender majority. It was a sordid campaign, characterized by not a little bribery and other corrupt practices. The independent press entertained gloomy views of the political

LOS ANGELES IN 1854

situation: events were hastening to the time of purging at the hands of the great Committee of Vigilance.

The Democratic State Convention at Sacramento in July, 1854, was one of the most dramatic episodes in western politics. Every detail of the proceedings had been planned by Broderick as chairman of the State central committee; but the opposition delegates, under the shrewd leadership of Gwin, had likewise laid their plans. The convention was called to order by Broderick, who recognized an adherent and declared Ned McGowan elected chairman. Simultaneously the Gwin faction chose John McDougal for the same position. In a moment the two took seats side by side on the platform, each claiming to act as president. Then followed a scene of tumult and indescribable confusion. Speakers from both factions were hooted from the platform, while the leaders became more and more sullen for a period of five mortal hours. Pistols and bowie knives were in evidence, but fortunately no blood was shed. The pastor in whose church the convention with duplex administration was sitting, implored the delegates "to leave the sacred edifice which their conduct desecrated;" finally the two chairmen left, arm in arm, and the delegates separated for the night. On the following day there were two conventions instead of one; each body selected its own candidates. Later on the State Committee of the chivalry wing sought to arrange terms for a compromise with the opposing faction by submitting certain conditions as a basis of settlement. The Tammany Committee submitted counter propositions; but there was no immediate result. It was not until the ominous increase of the Knownothings pointedly suggested the "necessity of a united action on the part of the democratic party in the ensuing state election," in 1855, that the two wings were reunited.

The Whig Convention met in Sacramento on July 25. After selecting candidates the convention adopted a stirring address to the people containing this significant introduction:

> The condition of your state demanding reformation, calls upon you to inaugurate the rule of honesty, and to put an end to abuses and evils which are the parisitical and withering results of maladministration and bad government. From Washington to Clay—we refer to an unserried line of patriotism, alike in adversity and in prosperity, the protectors of our country. . . . The welfare of California and its imperilled integrity require a revolution of public affairs. In such change will be insured good government, economy in its exercise, rigid adherence to the laws, and strict accountability of all in authority to the tribunal of public opinion.

Early in the same year (1854) occurred the first organization of the Knownothing, or American, Party in California. Because of the strong sentiment against foreigners, which manifested itself in certain directions even in the early mining days, Knownothingism spread with great rapidity to almost every town and camp in the State.

It worked with the utmost secrecy, trying to conceal its very existence. Its principles—except opposition to the old parties and perhaps

the general tradition of Americanism—were known to but few. The ward, or district council, was the local basis of organization; above this was the superior council; and finally the grand council, composed of three delegates from each district council, administered the affairs of the State and in turn sent delegates to the national council.

The oath for the second degree included the following:

> . . . you will not vote or give your influence to any man for any office in the gift of the people, unless he be an American-born citizen, in favor of Americans ruling America, nor if he be a Roman Catholic.

As to strategy, one of the important rules was to decide upon acceptable candidates, independent of party consideration, before the primaries. The customary campaign methods calculated to attract public attention, such as public speaking and the regular processions, were conspicuously absent. The more subtle methods of the Know-Nothings proved wonderfully effective.

As illustrative of the rapid spread of Knownothingism we quote from the *Alta California* of August 30:

> From all the papers in every portion of the state we gather the fact that the mysterious associations of "know nothings" have spread themselves until a branch is formed in almost every mining town and village of any importance throughout the country. That they will have a great influence, if not an entire control, over the ensuing election in this state, there can now be but little doubt, although from the entire secrecy of their operations it is impossible to form an idea of how that influence will be used.

While the Know-Nothings were successful in the San Francisco local election that year, the organization did not openly participate in the State campaign but did nevertheless wield considerable influence on the September election. In 1855 it may be said that the Whig party virtually disbanded, yielding its place to the secret American Party. The Know-nothings had "swallowed the Whigs at one mouthful."

Bigler was re-nominated for a third term as governor, but the irresistible tide of Americanism swept J. Neely Johnson into office. The governorship, however, has never been esteemed as the highest political prize in California.

> "Far above it," wrote Tuthill, "shone the United States senatorship, and the attainment of that from an early date taxed heavily the energies of faction and the purse of the aspirant."

The storm center of California politics during 1855-56—as indeed of many another year—was the contest for the senatorship.

In 1851 the State Legislature had desperately tried to elect a successor to Frémont: the one hundred forty-second ballot was taken in vain. After several ballots in January, 1852, J. B. Weller was finally elected. The term of W. M. Gwin, who had drawn the long period, expired March 4, 1855, and because of the political power of Broderick he was left without office, although at the time the strongest individual candidate. His unwise bestowal of national patronage upon personal adherents

from the South proved irksome to northerners and especially to Broderick.

The political rivalry between Gwin and Broderick, both of whom had come to California in response to the definite promptings of political ambition, has never been exceeded in intensity and bitterness in the entire history of the State. It is said that Gwin had remarked to Douglas when he first departed from Washington for California, "I will be back in a year as Senator." Likewise Broderick, on leaving New York for San Francisco in 1849, said to Sickles, "I will never return unless as United States Senator." Both were successful.

As characterized by a writer: "Of stately presence, over six feet, with agreeable mien, Gwin possessed the courtly manners of a Southern gentleman." Because of alleged aristocratic ideals of government and political principles, his followers were known as the Chivalry Whig, or "Chivs," many of whom were pronounced in their pro-slavery views, while Gwin himself bore the reputation of "arch-champion of the slave-holding interests in California." Broderick, on the other hand, was well schooled in the political arts of Tammany Hall, with a remarkable aptitude for dominating men's minds, the possessor of an imperturbable determination, and a personal ambition that on occasion swept aside with contemptuous disregard the methods and ideals of all predecessors. He had acquired a fortune, it is said, by purchasing "invisible lots under the water front;" but, "Not for a day, not even for a moment had he forgotten his matured resolve to become senator from California."

Having become political master of San Francisco and having built up for himself a powerful machine in the State, Broderick had endeavored to force the election of a successor to Gwin in the Legislature of 1854, a year before the normal date, and in this he had nearly succeeded; but in the end the maneuver had suffered defeat, and the election had been deferred. The intense hostility engendered between the wings of the Democratic Party by this contest has already been illustrated in the reference to the Sacramento convention.

Beaten back only temporarily, Broderick renewed his ruthless struggle for supremacy. Unable to command the necessary votes in the Legislature of 1855 for the election, he brought about a deadlock which continued through thirty-eight ballots. Gwin's seat was left vacant.

In the Legislature of 1856 the Know Nothings held a majority and therefore the power to elect the United States senator. In 1854 Broderick had sought to induce the two houses to meet in joint session; but now he worked to prevent the Know Nothing Legislature from assembling in joint convention. He never left Sacramento for a single day or night, and finally he was permitted to see the Legislature adjourn the third time without having chosen a successor to Gwin. David S. Terry joined the new party and succeeded in getting himself elected to the State Supreme Court: Broderick remained "constantly and inviolably a Democrat," but the American victory of 1855 had ruined his chances of success at

that time, and the Vigilantes of 1856 demolished his political structure, for to Broderick the great Vigilance Committee was a "double-edged blade."

At length we come to the year 1856. There were now three parties in California, the newest arrival being the Republicans. However, all State officials, as well as the Legislature, were safely Democratic. Since Weller's term was to end in March, 1857, both United States senators were to be elected. Broderick had decided to seek the six year term. Other aspirants included John B. Weller, Milton S. Latham, J. A. McDougall, Stephen J. Field, and Gwin. When the Legislature met in January, 1857, Broderick was already sure of a seat in the national Senate. The political situation in Sacramento is interestingly pictured by Jeremiah Lynch in his *A Senator of the Fifties:*

> The town was small, the hotels few and in near proximity. Each chevalier had his own headquarters with patrols and scouts to guard his own force from treachery and observe the movements of the enemy. Sacramento was overflowing with Californians drawn from the whole state, who came to help their favorite or to survey the field of honor. Every motive or argument of influence, of friendship, hate, love, anger, old feuds, old friendships, bitter memories and pleasant ones, too, were conjured, nourished, cherished and thrown in the swaying balances. We who float in these placid, smooth, ambitionless waters today find it extremely difficult to realize the fierce rivalry, the intensity of purpose and the sleepless energy of those few short days. Every motive, as I have said, was called into play except the vulgar, debasing one of money bribery. Not a single taint of corruption stains the excutcheons of those gentlemen who struggled so well and valiantly for their chosen chieftains.

When the deadlock came over the selection of the senator for the short term, Broderick stood for a time arrogantly aloof; but finally, after virtually forcing an agreement with his long-time rival to turn over to himself a monopoly of the federal patronage, he decided to support Gwin, thereby effecting the election of his rival three days after his own. Broderick returned as a conquering hero to San Francisco, where he was accorded a Roman triumph.

The "Bargain and Corruption" episode was supposed to have brought the old and bitter feud to an end; but lasting friendship does not rest upon such insecure foundations. In spite of Gwin's protestations of voluntary renunciation of federal patronage, the "Chivs" were vehement in their denunciation of the device. "That their leader should have to purchase his seat in the Senate of Broderick, the stone-cutter's son, a man of the lower stratum of the people, a mudsill of the north," says Bancroft, "was an outrage to their sensibilities not to be endured." The old quarrel was soon to be re-opened; tragic was to be the end thereof.

By this time practical politics in California had indeed fallen to a low estate. One of the early historians, with no wish to exaggerate the state of degradation, paints for us this picture:

> The dregs of society—swindlers, thieves, and gamblers—dictated to the party dictators, and ruled the State with a tyrrany that conventions dare not meddle with. The party in power had to bear the odium of the wretched condition of affiairs; probably it would have been all the same whether Whigs or Democrats, Tammanyites or "Chivs" occupied the public places. The better classes had despised politics, and the worst classes picked up the reins and were driving fast to ruin. Good men, who were elected to power by parties that they could not think of controlling, were ashamed, disgusted, mortified by the power that used them. The judiciary fell into disrepute. The course of regular justice was obstructed. Criminals enjoyed an alarming immunity from punishment. Violence ruled the city and country.

Fortunately California was spared from the full force of the logical results of such a situation—sheer anarchy and lynch law—by the sudden awakening of the civic mind and the organization of the great Committee of Vigilance of San Francisco. The work of this greatest of popular tribunals, as has been recorded on earlier pages, brought about an astonishing renovation in society and bestowed its beneficent spirit upon other agencies for their better perpetuation. The American Party suffered a collapse that was equally sudden with its meteoric rise;—the party machinery had fallen into the hands of unprincipled men, Governor Johnson's mistakes cost him dearly, and Knownothingism quickly went to pieces.

The People's Party fell heir to the spirit and principles of the great Committee of Vigilance, in its turn introducing a new era into California politics. Integrity and ability were the sole tests now to be imposed upon candidates—questions of religion, nationality and partisanship being quite ignored. While it cannot be claimed that the best men were always elected, it is fair to observe that the successful candidates of the People's Party as a rule proved to be good officers. The improved government, particularly in San Francisco, was a result not so much of the new party's activity as of the social renovation that preceded it.

As a result of the gubernatorial campaign of 1857, John B. Weller, Democrat, was elected governor over Edward Stanley, Republican. Weller had already served in the United States Senate as the successor of Frémont. In the meantime Buchanan had obtained California's electoral vote in the presidential election of 1856.

Broderick's senatorial career was short and bitterly disappointing. A "lone, strange, extraordinary man," he was amazed at the sympathetic attention shown Gwin and highly incensed at the frigid attitude of President Buchanan. To oppose slavery was for him as natural as to breathe; but he learned to his sorrow that his "free-state democracy" was without standing at the White House as well as in the Senate. His tactless manner cost him his federal patronage—the President made his own appointments. In his first set speech Broderick indulged in severe criticism of Buchanan; but for a Democrat thus to attack the Democratic administration was adjudged party treason. His explanations to his constituents in California seemed only to bring into bold relief the fact that his enemies

were more powerful than ever. With an intense feeling of having been treacherously dealt with rankling in his breast, he returned to Washington, there to find himself in opposition to his President and his party, condemned even by his own Legislature for disobedience to instructions. His fearless action in ranging himself with Douglas and popular sovereignty won for him Seward's tribute as "the brave young senator," but instantly marked him as a doomed man.

At the opening of the campaign of 1859 there was an occurrence which fore-shadowed the bitterness of the coming strife, the gravity of the impending crisis. Terry, about to suffer defeat as a candidate before the Lecompton Convention for renomination to the State supreme bench, uttered certain contemptuous words about Broderick, who had returned from Washington in the interest of the anti-Lecomptonites. Referring to the opposition who had in reality compassed his defeat, he said:

> They belong, heart and soul, body and breeches, to David C. Broderick. They are not ashamed to acknowledge their master, and are calling themselves, forsooth, Douglas Democrats. . . . Perhaps, Mr. President and gentlemen, I am mistaken in denying their right to claim Douglas as their leader. Perhaps they do sail under the flag of Douglas, but it is the banner of the black Douglas, whose name is Frederick, not Stephen.

A few days later Broderick read the account of Terry's speech while at breakfast at the International Hotel, San Francisco. Laying aside his paper, he made some statements to D. W. Perley, a friend of Terry, who was seated opposite to him, including (in substance) the following:

> I have hitherto spoken of him as an honest man—as the only honest man on the bench of a miserable, corrupt Supreme Court—but now I find I was mistaken. I take it all back. He is just as bad as the others.

A serious altercation threatening to ensue, Perley withdrew, but soon sent a hostile message to Broderick, demanding satisfaction. Broderick sent a reply, declining the challenge on the grounds that Perley was a British subject, that the publicity given to the incident made it impossible then to afford satisfaction, and that he could not at that time afford to descend to a violation of the Constitution and the State laws to subserve any such purpose.

> "If compelled to accept a challenge," he continues, it could only be with a gentleman holding a position equally elevated and responsible; and there are no circumstances which could induce me even to do this during the pendency of the present canvass."

The election of September 7, which concluded one of the fiercest political contests in the history of California, was scarcely past when Terry resigned his seat on the supreme bench and sent a letter to Broderick demanding a retraction of his remarks made the previous June. The duel seemed pre-determined—as expressed by some, "the fight had got to come sometime, and it might as well come now." In the early morning of September 12 the principals met in the edge of San Mateo County, but the Chief of Police appeared on the scene and put a stop to the event

for that day. But at seven o'clock on the following morning the meeting took place, at another point in San Mateo County, without police interference, in the presence of about fifty spectators.

When the word to fire was given, Broderick's pistol, being quicker on the trigger than Terry's, was discharged prematurely, the ball striking the earth some distance from his antagonist. Terry's shot took effect in his adversary's breast: in a moment Broderick fell, mortally wounded. To a friend at his bedside—so it is reported—he exclaimed, "They have killed me because I was opposed to the extension of slavery and a corrupt administration." After lingering three days, he died September 16, "in his fortieth year, in the full vigor of life's prime, in the height of his own marked career."

The dead Broderick was lionized beyond measure. His faults were forgotten, his errors expiated by his tragic death. There was universal gloom in San Francisco. The obsequies were solemnized in a unique and imposing manner. Colonel E. D. Baker delivered one of his matchless orations before the great crowd assembled at the plaza. Baker pointed out that Broderick, like Ferguson of the year before, had become "tangled in the meshes of the code of honor," and in these telling words branded the system of duelling, which had been made illegal by California's first Legislature:

> "The code of honor is a delusion and a snare; it palters with the hope of a true courage, and binds it at the feet of crafty and cruel skill. It surrounds its victim with the pomp and grace of the procession, but leaves him bleeding on the altar. It substitutes cold and deliberate preparation for courageous and manly impulse and arms the one only to disarm the other. It may prevent fraud between practised duelists, who should be forever without its pale, but it makes the mere 'trick of the weapon' superior to the noblest cause and truest courage."

Thus at length the dominant element in politics both at Washington and in California was rid of Broderick, one of the most forceful and uncompromising characters in our history. It is perhaps idle to speculate whether he would have been compelled to fight other duels if he had survived the encounter with Terry: at any rate, whatever conspiracies existed or did not exist, however deeply and inextricably he might have been enmeshed in the toils of political intrigue or personal passion, his tragic ending cut the Gordian Knot. Wholly out of sympathy with the dominant wing of the Democratic Party, yet not quite a Republican Broderick had been compelled to observe many of his friends and admirers come out openly under the Republican banner and to witness the virtual surrender of his own loved party to the element he deeply loathed. But death spared him the "saddest sequel" of being completely excluded from the administration—doubtless it also tended to speed the day of Republican triumph by the election of Lincoln in 1860.

Milton T. Latham, Lecompton Democrat, was elected Governor of California September 7, 1859, over John Currey, anti-Lecomptonite, and

Leland Stanford, Republican. On the day following his inauguration (January 9, 1860) Latham was elected to Broderick's seat in the United States Senate, and thus John G. Downey, Lieutenant-Governor, succeeded to the governorship of the State.

The Legislature of 1860 was the last session dominated by the chivalry wing of the Democrats. An act had been passed the previous year authorizing the people of the six southern counties—territory south of the thirty-sixth parallel—to vote on the question of separation from California with a view to separate organization. Through the activity of Lecomptonites the necessary two-thirds majority for the division was secured, although it was well known that the State as a whole was overwhelmingly against it. A joint resolution passed the Legislature of 1860 instructing senators and representatives in Congress to oppose the execution of the act of 1859. The interest in California on the subject of State division, to which further reference is made in another chapter, was overshadowed at Washington by more vital matters of national concern—the question of the division of California was a mere passing incident in the national political maelstrom of 1860.

The presidential campaign of 1860 was of more than ordinary significance in the political history of California. Shortly after intelligence of the nomination of Lincoln had been received, the Republican State convention met, June 20, in Sacramento to nominate presidential electors. The movement to bring together the two wings of the Democracy proved to be futile, since Stephen A. Douglas, standard bearer of the northern Democrats, was equally as obnoxious to the southern wing as a Republican nominee could be. The news of the famous split in the Democratic National Convention, and the nominations of Breckenridge and Douglas for the presidency, reached California on July 15th, creating the greatest excitement. Governor Downey announced himself for Douglas; Weller took his stand for Breckenridge, who was supported by practically every federal office holder in the State as well as by Senator Gwin and Senator Latham. As had been perceived, a split in the Democratic Party proved inevitable; and accordingly the Douglas convention and the Breckenridge convention met in September.

In the meantime a meeting had been called in the interest of John Bell of the Union party, followed another State convention in early September.

It remains only to mention the result of the campaign. On being elected to the United States Senate from Oregon, E. D. Baker was in October made the center of an imposing display by the Republican State Committee in San Francisco. Many of the Breckenridge leaders probably preferred the election of Lincoln to that of Douglas; but their dislike of Lincoln may be illustrated by ex-Governor Weller's speech in San José in October, in which he said:

> I do not know whether Lincoln will be elected or not; but I do know that if he is elected, and attempts to carry out his doctrine, the

> south will surely withdraw from the union; and I should consider them less than men if they did not.

The November election gave Lincoln the four electoral votes from California, though by the slender margin of 700 over the Douglas electors. Breckenridge was a good third, while Bell's vote fell to scarcely more than 9,000. The effect of Lincoln's election to the presidency of the United States is known to all the world.

Previous to the American conquest there existed in California, under the later Mexican régime, five so-called districts—viz., those of San Diego, Los Angeles, Santa Barbara, Monterey, and San Francisco. The personnel of the constitutional convention held in 1849 at Monterey included forty-eight delegates from ten districts, defined by General Riley as San Diego, Los Angeles, Santa Barbara, San Luis Obispo, Monterey. San José, Sonoma, San Francisco, San Joaquin, and Sacramento.

In those stirring times it was quickly perceived that there was need for something better in the way of administrative divisions than the five ill-defined Mexican districts or the ten improved districts of early mining days. Therefore an early task of the first legislature, meeting at San José, was to divide the new State into counties. General M. G. Vallejo was made chairman of the special committee, and upon that distinguished Californian devolved the greater part of the actual work.

Vallejo's committee presented its report in January, 1850, embracing the boundaries of eighteen counties. These included six in the south—San Diego, Los Angeles, Santa Barbara, San Luis Obispo, Monterey, and Mariposa, the two last named being of vast extent but very sparsely populated. The six southern counties were later adopted by statute almost as recommended by the committee. The twelve northern counties proposed were San Francisco, San José, Mount Diablo, Sonoma, Benicia, Sacramento, Sutter, Butte, Reading, Frémont, San Joaquin, and Oro. Numerous changes were made before final adoption by statute.

The act creating the original twenty-seven counties of California was signed by Governor McDougal February 18, 1850. Thus a number of additional counties had been created, materially modifying the report of the special committee. The full list of original counties is as follows:

San Diego	Marin	Yuba
Los Angeles	Sonoma	Butte
Santa Barbara	Solano	Colusi
San Luis Obispo	Yola	Shasta
Monterey	Napa	Trinity
Branciforte	Mendocino	Calevaras
San Francisco	Sacramento	San Joaquin
Santa Clara	El Dorado	Tuolumne
Contra Costa	Sutter	Mariposa

By amendment the name of Branciforte was changed to Santa Cruz, Yola was spelled Yolo, and the boundaries of San Francisco, Santa Clara, Contra Costa and Yolo were redefined. All names of these counties were of Spanish or Indian origin with the exception of Sutter (named after

John A. Sutter) and Butte (so called because of the name applied by French Canadian trappers of the Hudson's Bay Company.) By special request General Vallejo presented a detailed report to the State Senate upon the derivation and definition of the respective names of the several counties. This report, which was of necessity based almost wholly upon recollection and oral information, constitutes an interesting document in the early history of the state.

The virtual impossibility of giving accurate definition to the boundaries of the counties, particularly in certain instances, and the very rapid growth in population brought a brisk agitation for a number of additional counties: as a result a law was enacted in 1851 providing for the organization of Trinity, which had been attached to Shasta, and creating the new counties of Nevada, Placer, and Klamath. By act of 1851 Los Angeles County was greatly enlarged at the expense of San Diego and Mariposa, and other changes of a minor nature were made.

Again, three new counties were created at the third session of the Legislature, in 1852, and these were named Siskiyou, Sierra, and Tulare. It was found desirable to shift the boundaries of several counties in response to a demand that they should be more definite or because of local pressure. In 1853 the number was increased by three additional counties—Humboldt, Alameda, and San Bernardino; and in the following year Plumas, Amador, and Stanislaus were added. It is unnecessary to point out the minor changes and readjustments that were made from time to time. Owen C. Coy has given us an exhaustive account of the entire subject in his *California County Boundaries:* "a study of the division of the State into counties and the subsequent changes in their boundaries."

In 1855 numerous bills and petitions relating to many counties were introduced into the legislature. These resulted in certain boundary changes and the creation of Merced County. Three additional counties—San Mateo, Fresno, and Tehama—were the result of legislation in 1856; while Del Norte came into being in the following year. With the creation of Mendocino in 1859, the period of the Civil War was reached; and still the agitation for new counties continued.

Lake County was added to the list in 1861, and Alpine and Lassen in 1864. Next came Inyo and Kern in 1866. The year 1870 is rather memorable for the number of proposals put forward—at least six prospective counties presented their respective claims. These were Anaheim, Donner, Orestimba, Summit, San Benito, and Ventura. San Benito and Ventura found favor in the assembly but failed in the senate. However the latter was created a county two years later and the former in 1874. Modoc came in with San Benito, but Klamath, which had been created in 1851, was abolished and its territory was absorbed by Humboldt and Siskiyou.

Then there ensued a long period without any additional new counties, although there were numerous boundary changes. The citizens of the

southeastern portion of Los Angeles County, after persistent effort extending through nearly twenty years, were at length successful in securing the creation of Orange County in 1889. Two years later Glenn County resulted from the division of Colusa. In 1893 there was a plethora of demands for new counties, and three were authorized—Madera (from Fresno), Kings (from Tulare), and Riverside (from San Diego and San Bernardino).

In 1907 the legislature passed a general act "setting forth a regular method of procedure whereby new counties might be formed." This enabled the sturdy people of Imperial Valley to bring about a separation from San Diego County, and thus Imperial County took form as a legal entity.

By virtue of the statute of 1909 and a constitutional amendment adopted in the following year, the creation of new counties was made more difficult than ever. As a consequence there was a decided falling off in proposals and actual legislation dealing with boundaries of counties. It was not until 1923 that there was finally effected, through the State Historical Survey Commission, a codification of laws dealing with the subject. "Thus for the first time since its adoption, fifty-one years ago (1872)," says Doctor Coy, "does the Political Code in its consideration of county boundaries bring into harmony the various effective laws dealing with county boundaries."

At this writing California contains fifty-eight counties, as compared to the original twenty-seven created by the first legislature. Of these San Bernardino ranks first in point of area, with 20,055 square miles, and San Francisco is smallest, with forty-two square miles. In population Los Angeles leads with a considerable margin, while Alpine is credited with a population of but 243 by the census of 1920. California ranks second among the states in gross area, its land area being 155,652 square miles, which with a water area of 2,645 brings the total area to 158,297 square miles, or almost 100,000,000 acres.

CHAPTER XXV

POLITICAL HISTORY FOLLOWING THE CIVIL WAR

As "War Governor" of California, it may be that Leland Stanford did not prove as outstanding and illustrious as certain of his contemporaries in the East; but nevertheless he faithfully upheld the loyal principles of his party and contributed greatly to the Union sentiment that dominated the State. The Legislature enacted numerous measures calculated to break down the force of secession: it was made a misdemeanor "to display rebel flags or devices," "to profess adherence to the enemy or endorse, defend, or cheer any attempt of any person to subvert or destroy the lawful authority of the United States in any state thereof, and laws were enacted "to exclude traitors and alien enemies from the courts of justice in civil cases."

In spite of the dry season, 1863 was commercially a prosperous year for California. Numerous enterprises of importance were launched: ground for the Central Pacific Railroad was broken at Sacramento; the San Francisco and San José Railroad was opened for operation.

The fall election of that year, largely through the influence of John Conness, elected to succeed Milton S. Latham in the United States Senate, resulted in the nomination of Frederick F. Low instead of Stanford for governor. In the meantime the loyal leaders had dropped the name Republican, and the Union Party sought the support of all loyal citizens. The Democratic nominee, John G. Downey, was defeated by about 20,000 majority. Low was inaugurated December 10, 1863. He consistently maintained an attitude of loyalty to the Union, promptly endorsing each measure of the national administration for the suppression of rebellion.

Deep resentment was felt toward United States Senator James A. McDougall because it was alleged that he failed utterly to represent the Union spirit of the State. At length formal resolutions of censure were adopted by the State Legislature, charging willful "misrepresentation of the wishes, opinions and habits of the people of California."

The progress and conduct of the Civil War so completely absorbed the attention of the people that local politics received but slight attention. The Union convention met in Sacramento in March, every county save Fresno being represented by delegates. Ringing resolutions of loyalty were adopted and delegates to the national convention were selected.

Intelligence of the re-nomination of Lincoln was received in California with intense enthusiasm. The fall election resulted in the election of

Union candidates by large majorities and the victory of Lincoln over McClellan by a margin of more than 18,000 votes.

At the conclusion of the war the Union Party tended quickly to dissolve into its component parts—Republicans and Douglas Democrats; though it should be said that many of the out-spoken antislavery Republicans had not gone over to the Union Party, while some of the Douglas Democrats now joined themselves to the reorganized Democracy.

In 1865, Governor Low being a candidate to succeed McDougall as United States Senator, there was a serious division in the ranks of the Unionists, the two wings being styled the "long hairs" and the "short hairs." Much bitterness of feeling was manifested. A violent demonstration of this feeling of hostility occurred at the county convention in Sacramento, where there was "an indescribable scene such as was never before witnessed in Sacramento at any political convention." The newspaper account continues:

> In a moment, the two parties were engaged in a hand to hand fight. Solid hickory canes, which appeared to be abundant on both sides, were plied with vigor. Spittoons flew from side to side like bombshells on a battle field. Inkstands took the place of solid shot. Pistols were drawn and used as substitutes for clubs. The principal weapons, however, which were used by both sides were the cane bottomed arm chairs, which were of course within the reach of every one. These implements . . . were swung in the air by the dozens and broken over the heads of the contending parties. . . . The fight . . . lasted probably five minutes. At the close the anti-Low men or long hairs . . . were driven from the field.

Low was virtually compelled to withdraw from the senatorial contest. In a card to the people, in which he avowed his consciousness of the rectitude of his purposes and actions and "a desire to allay rather than increase the bitterness of feeling," he requested that his name be no longer used in connection with the office to which he had aspired. In December, 1865, Cornelius Cole, who as a staunch loyalist had just served a term in the House of Representatives, was elected to the United States Senate to succeed McDougall, whose term expired in March, 1867. Cole received ninety-two votes out of a total of one hundred nineteen in the joint convention.

In California the most prominent issue at the opening of the campaign of 1867 was the Chinese question. Even before this time, as pointed out elsewhere, the sentiment against Chinese labor had become very pronounced. The anti-coolie association that had been formed in San Francisco requested the Union candidates for the governorship to express their views on the Chinese labor question. The candidates at that time were George C. Gorham, John Bidwell, Caleb T. Fay, and Frank M. Pixley, all well-known names in California politics.

At a meeting of the County Committee held in San Francisco May 31 certain slurring remarks made by a member concerning Pixley were the occasion of the too-frequent disgraceful scenes in the political arena. The

melee continued until the police arrived to interfere. The incident was widely reported in the press and doubtless destroyed whatever chances Pixley had for the governorship.

The State Convention of the Union Party met at Sacramento June 12, in which Gorham received the nomination for governor over Bidwell, by a vote of 148 to 132. It became quickly evident that the nomination of Gorham would alienate the leading newspapers of the State from the party, it being alleged that the Union men of the interior had been deprived of proper representation in the convention and that the nomination itself was the result of fraud; while on the other hand Bidwell of Chico was said to have the support of thirty-five influential newspapers and was urged as the real choice of a large majority of the Union citizens of California. In San Francisco the movement culminated in a called meeting June 17, where, after setting forth that the "machinery of the Union Party of California has been prostituted by unscrupulous demogagues to the support and advocacy of unworthy purposes," it was resolved

> That we reorganize the Republican Party of California, and pledge ourselves to its support.

A State Convention was called by the central committee for the Republican Party for July 16, to be held at Sacramento, "for the purpose of revising the Union State ticket." At the convention John Bidwell without being consulted was unanimously nominated for governor. However he firmly declined, saying, "Having been in the field once, I cannot consent to be a candidate again." In early August the Republican committee tendered the nomination to Caleb T. Fay, who accepted in a long letter to the public. The contest was "the most bitter and exciting," says Bancroft, "of the many exciting political campaigns witnessed by this politician-ridden State."

The Democratic State Convention met in San Francisco June 19, Eugene Casserly being made president. Henry H. Haight, a native of Rochester and graduate of Yale College, was nominated for governor without opposition; and a long set of resolutions adopted, a few selections from which are here quoted:

> That the questions involved in the late rebellion have been practically settled by the war, and it is the duty of all to acquiesce in this settlement and endeavor to restore friendly relations between the different sections of the country and re-establish the government in its constitutional authority throughout the union.
>
> That we believe it impracticable to maintain republican institutions based upon the suffrages of negroes, Chinese, and Indians, and that the doctrines avowed by the radical leaders of indiscriminate suffrage, regardless of race, color, or qualification, if carried into practice, would end in the degradation of the white race and the speedy destruction of the government.
>
> That we regard the right to regulate suffrage as belonging exclusively to the several states of this union.
>
> That the power to regulate foreign immigration being vested in congress, it is the duty of that body to protect the Pacific states and terri-

> tories from an undue influx of Chinese and Mongolians, and it is the duty of the legislature of this state to petition congress to endeavor to obtain the adoption of such regulations as shall accomplish this object, and the legislature should use all its power to prevent the introduction of Mongolian laborers.
>
> That labor is the basis of all material prosperity and the creator of wealth, and that its interests should always be favorably regarded by the legislature; that the laborer should have time for mental and moral culture and for healthful recreation. We therefore heartily sympathise with the laboring classes in their endeavors to reduce the legal standard of a day's labor, and declare ourselves in favor of making eight hours a legal day's work, in the absence of any agreement to the contrary.

Thus the three nominees in the race for the governorship in 1867 were Gorham, Fay, and Haight. The campaign was vigorously prosecuted. Fay was a native of Massachusetts who had acquired much experience in pioneer California in mercantile pursuits, resigning the presidency of the Union Insurance Company to accept the National Republican nomination for the governorship. In the election of September 4 the Union Party met its first defeat in California since the beginning of the war. Haight (Democrat), was elected by a majority of nearly 10,000 over Gorham, while luckless Fay received scarcely more than 2,000 as a total vote. The victory of Henry H. Haight signalized the extinction of the Union Party organization, after an unselfish and patriotic career in California, while Fay, despite the admirable qualities of the man, was sacrificed as a victim of dissension, feud, and untoward circumstances.

The election of Haight was by the Democrats regarded as a complete vindication of the policy of putting their party on a patriotic constitutional basis in the recent presidential campaign. The Governor-elect had indeed been one of the straightest of the "straight Republicans" and had voted for Lincoln in 1860; but later he became an out-and-out Democrat, turning against Lincoln and supporting McClellan in 1864. In his inaugural address, in December, 1867, he went so far as to urge the extreme doctrine that "immediately after the war the rebels should have been admitted to Congress on the same terms of representation as before."

One of the most significant events of Haight's administration was the passage of the eight-hour work day bill, which received the governor's approval February 21, 1868. This was the culmination of a movement which had been started in 1863 in San Francisco, largely as a means of keeping alive the interest in trades unionism. But in the face of business depression the advantages of the shorter work day were put to severe test, and as a result of judicial decision the law became "little more than the enunciation of a principle, or a recommendation without power of enforcement."

For the first time in years the legislature was Democratic. Eugene Casserly, a native of Ireland who had come to California in 1850, was, after a spirited contest, elected by a large majority to serve a full term of six years in the United States Senate as the successor of Conness.

Casserly was a man of good character, with marked scholastic ability and literary attainments, but was not so highly gifted as a popular orator or party manager. It was he who (in 1852) had been chosen to deliver the eulogy on Daniel Webster on behalf of the San Francisco bar, and on numerous occasions his efforts were models of incisive logic and classic phrase. His resignation from his high station in November, 1873, came as a dstinct surprise and rendered it necessary to select another to complete his term.

In the campaign of 1868 the Republican Party still clung to the name Union. General Grant came to be universally recognized as the choice of the Union-Republicans in California for the presidency. There was the usual political excitement and the selection of the electoral tickets preceding the presidential election. The contest was a spirited one and proved to be so close that in California Grant and Colfax won over Seymour and Blair by a scant majority of 500 out of a total of 108,000 votes. The election of Grant established the national Republican Party upon a firm foundation: for the next twenty years California consistently voted for Republican presidents, while in state and local politics the party experienced many vicissitudes and not a few reverses.

The Democratic State Convention of 1869 met in the Assembly Chamber at Sacramento June 29, and J. P. Hoge was chosen president. A platform was adopted, which declared against "the subjection of the white population of the southern states to the rule of a mass of ignorant negroes, their disfranchisement, and the denial to them of all those sacred rights guaranteed to every freeman;" which avowed ardent advocacy of "the rights of the mechanic and working man;" and which asserted that "the labor of our white people should not be brought into competition with the labor of a class of inferior people, whose living costs comparatively nothing, and who add nothing to the wealth of our state, and who care and know nothing about our churches, schools, societies, and social and political institutions."

The Republican Convention met at Sacramento on July 21: T. B. McFarland was elected president. The resolutions adopted express cordial endorsement of the administration of President Grant; declare that "the negro question has ceased to be an element in American politics" and in favor of "an act of universal amnesty and enfranchisement of the southern people" following the ratification of the fifteenth amendment; "recognize the power of the general government to restrict or prevent Chinese immigration, whenever the welfare of the nation demands such a measure, by terminating our commercial relations with China; lay claim to having "originated in this State and steadily supported what is known as the 'Eight-hour law,' the sound policy of which has been proclaimed by a Republican congress, and by proclamation of a Republican president made applicable to the public works of the United States"; and oppose the grant of state aid to railroads.

The elections of 1869 resulted generally in a Democratic success. William T. Wallace and Joseph B. Crockett were elected to the State Supreme Court.

The selection of gubernatorial candidates began to be actively agitated early in 1871. Renouncing his intention not to aspire to the governorship for a second term, Haight was constrained to permit his name to be presented before the Democratic Convention. In the meantime no little opposition was aroused against him because of the hostile attitude he was believed to have assumed on the question of state aid to railroad corporations. The high-handed procedure of the party in San Francisco contributed to a deepening of the feud.

> "Finally," says Winfield Davis, "three wings of the party developed, whose respective figureheads were Isaac Friedlander, Eugene Casserly, and Frank McCoppin, and by the day of election it was difficult to determine which of the several local tickets represented the Simon-pure democracy."

The Democratic State Convention met at Sacramento June 20, the choice for the presidency falling upon James W. Coffroth. The platform adopted was long and characteristically democratic. It demanded a universal amnesty for all political offenses; the "absolute equality of each state within the union" as a "fundamental principle of the federal government"; a tariff for revenue only; and expressed uncompromising opposition to railway subsidies, to the granting of public lands to others than actual settlers, and to the immigration of Chinese laborers. Governor Haight, who had served with general acceptability if not special distinction, was renominated without opposition.

The Republican State Convention, after much activity on the part of individual leaders and the central committee, met in the Assembly Chamber of the State Capitol, June 28. C. E. Filkins was chosen president. Newton Booth had been suggested as an appropriate man to head the State Republican ticket early in the year. Booth was born in Indiana and was educated in Asbury (now De Pauw) University. He arrived in California in 1850, and built up an enviable reputation for integrity and ability, as well as an independent fortune. He was nominated for governor without opposition, Thomas H. Selby, his principal rival, withdrawing from the race. Avoiding the mistake made in 1867 by favoring the construction of railroads by granting government subsidies, the party now declared

> That the subsidizing of railroads, or other private corporations by grants of public lands . . . is contrary to sound maxims of government, productive of gross corruption and abuse, and a plain invasion of the rights of the citizen. And we hereby pledge the Republican Party to an uncompromising opposition to any and all legislation for such purpose; . . .

The party extended to the newly enfranchised citizens "a cordial welcome to the rights of citizenship now permanently secured to them after a

hard-fought struggle with their old oppressors";—and incidentally it may be noted that during the ensuing campaign much use was made of clubs of colored men, particularly in the larger cities.

The election of September 6 resulted in a victory for the Republican Party and the choice of Newton Booth for the governorship by a majority of about 5,000 votes. Three months later he was inaugurated, and he was California's chief executive until he resigned in February, 1875, to become United States Senator to succeed John J. Hager, who served out Casserly's unexpired term. He served the full six-year term. Booth has been accounted one of the State's most successful men. He died in Sacramento, July 14, 1892.

As a result of the national campaign of 1872 in California, Grant and Wilson received the suffrages of a large majority of voters: accordingly the six Republican presidential electors cast their ballots at Sacramento, December 4.

By the close of the year 1873 most of the farmers' clubs, which had become quite numerous in California, had been absorbed by the secret order styled Patrons of Husbandry, or Grangers, an organization that exerted considerable influence in the State politics, especially with reference to such matters as railroad freight rates and the reduction of public expenditures. More and more did the railroad question come to absorb the interest of political campaigns. Governor Booth was recognized as the head of a strong anti-railroad, anti-monopoly party. But his pronounced attitude was by no means satisfactory to all Republicans. Indeed there was an open split in 1873, when the name Independent Taxpayers' Party was adopted by the committee representing the seceders. The object of the movement was "to elect members to the Legislature who would command the confidence of the whole people, and who would be free from the control of rings and corrupt combinations." Opponents of the new organization dubbed it the Dolly Varden Party. Standing as it were between the Republicans and the Democrats, its cardinal principles were the destruction of the power of monopolies, the regulation of railroad fares and rates, and the devising of an irrigating system that would benefit the entire State. The Dolly Vardens gained such momentum that they were generally successful in securing the election of their candidates in the September election.

In 1875 there were four prominent candidates for the governorship. These wer William Irwin (Democrat), Timothy G. Phelps (Republican), John Bidwell (Independent), and William E. Lovett (Tax-payers Temperance Reform Party). The Independents and Taxpayers drew their main strength from the Republicans. Bidwell was well known throughout the State but during the campaign was vigorously opposed by the Central Pacific Railroad and subjected to the repeated charge of being a land grabber and land monopolist. One plank of the platform on which he stood declared

> That while we seek by all lawful means to drive the railroad corporations out of politics, and to protect the people by wise and calmly considered laws from extortion and unjust discrimination at their hands, yet we fully acknowledge the great value to the community of a properly constructed and justly managed system of railroads, and will ever stand ready to accord due appreciation and generous treatment to those who so construct and manage them.

As was inevitable under the circumstances, the Democrats proved to be easy victors and Irwin was elected governor by a large plurality. He was inaugurated December 9, 1875; succeeding Romauldo Pacheco, who had served out the unexpired term of Newton Booth when the latter was made United States Senator.

It was during the administration of Governor Irwin that the Workingmen's Movement and the Kearney excitement reached their height, also that the second California Constitutional Convention met and adopted for the State a new fundamental law.

CHAPTER XXVI

LAND TITLES AND SQUATTERISM

In the history of mankind few subjects are of wider economic significance than that of the methods of land disposal.
On the topic of land disposal Frank W. Blackmar has pointed out:

> The land question was prominent in early Grecian history; it was the grave cause of social strife in Rome, and the fundamental idea in the development of the feudal system. Two-thirds of the wars of Europe have arisen over disputed territory. . . . The policy of disposing of the public domain and controlling private property, characterized by different methods at different stages in the progress of nations, has been a political influence in advancing or retarding the interests of the state.

Under the Spanish régime the monarch regarded newly discovered land as his peculiar possession, for him to dispose of at will. Colonists were treated with a spirit of selfish liberality, being regarded as government employees, engaged in a government enterprise, acting under government orders. "Like the ancient feudal lord, the Spanish sovereign aimed to take all that the soil would yield above a bare subsistence for the tenants."

In the course of time circumstances arose which made it necessary to establish laws authorizing the holding of lands in private. By 1790 there were nineteen private ranchos in Alta California, although it cannot be said that they were in full and complete ownership. In 1813 the Spanish Cortes issued a decree for the reduction of public lands to private ownership.

Under Mexico affairs went on with but slight change in California. In 1824 the Mexican Congress enacted a general colonization law opening certain possessions to foreigners. There was the "concession" and the "formal grant," the latter usually superseding the former. Lands to be granted were divided into three classes: irrigable, limited to one square league (4438 acres); non-irrigable, limited to four square leagues; and pasture, limited to six square leagues. Mission lands were closed to colonization in 1828, but re-opened a little later by virtue of secularization. Foreigners who became naturalized Mexican citizens were permitted grants on a basis of leniency and generosity. Referring to this period, Judge John Currey says:

> The law of 1824 and the regulations of 1828 provided a mode or system consisting of successive proceedings and steps, by which grants of land could be made. In a few instances all the steps of the pro-

> ceedings, essential to complete transfer of the title in full property, were performed and fulfilled, so that in these cases the particular grantee became the owner by perfect title—title in fee simple absolute—of the land described and covered by his perfected title. But the great majority of land claims, grants, or titles, as they were indifferently denominated, were imperfect and inchoate claims, grants or titles; and they were in this condition for the most part, when California was ceded to the United States.

Between 1833 and 1846 many land grants were bestowed upon foreigners, especially Americans, the average expense to the grantee not exceeding twelve dollars. A very low estimate was placed on the value of land,—was there not enough for all? Even during the early American régime, and down to the close of the Civil War, the standard price of good ranch land in Santa Barbara County was only about a thousand dollars a league! On account of the depressing effect of a serious drought, several desirable ranches with perfect titles were sold in 1846 for less than ten cents per acre!

During the interval between the actual conquest in 1846 and the ratification of the peace treaty in 1848, when American settlers were beginning to clamor for organized government for California, some dissatisfaction was felt because of the lax methods in regard to land surveys. This sentiment is reflected with almost prophetic precision in an unpublished letter by E. I. Bidwell to Thomas O. Larkin, dated at New Helvetia, August 5, 1847. Portions of the letter are here quoted:

> It appears to me that our Alcaldes do not appear to know their duty in regard to land surveys or why do they permit everyone to employ surveyors and have his land surveyed as he pleases. . . .
>
> Is it not better to check a dispute in the beginning than to let it grow into expensive and grievous law suits.
>
> I make these remarks because I have seen surveys in operation near Sonoma which are really aggravating difficulties instead of settling them. It is better to have a survey right in the first place which will save the necessity of doing the matter over again. The surveyors are not to blame but the Alcalde.
>
> Perhaps the Governor is not aware of this good and legal mode of adjusting land claims, and your influence, you having had long experience in this country, might induce him to issue an order to this effect that the respective Alcaldes authorize and sanction surveys and settle as far as possible all land disputes upon the ground in their several Districts.
>
> This will save interminable trouble hereafter.

The Treaty of Guadalupe Hidalgo, by which California was ceded to the United States, guaranteed to resident Mexicans protection and security, in the "free enjoyment of their liberty, property and religion." It is well to remember that there were two classes of land claims in California, the first consisting of perfect titles, the other consisting of claims in equity with no fully consummated title,—that is to say, those denominated "incipient, inchoate, or imperfect grants or titles." To the latter class of lands the Mexican government had held legal title.

> "By accepting the cession," said the court in the case of Strother against Lucas, "the United States put itself in the place of the former sovereignty and became invested with all its rights, subject to all its concomitant obligations to the inhabitants. Both were regulated by the law of nations, according to which the rights of property are protected, even in the case of a conquered country, and held sacred and inviolable, when it is ceded by Treaty with or without any stipulation to such effect."

Accordingly it became the duty of the United States to provide the means for locating and confirming land claims which were of an equitable nature, and finally to "grant legal titles therefor to the persons entitled in equity to such lands."

Conditions in California during the early years of the American régime were very favorable to squatterism. Many immigrants had been accustomed to look upon unoccupied lands as government property. Knowing little or nothing about the nature of Mexican claims, they felt they had an interest in the lands and that their government favored their settlement thereon. And it was an easy step, in their careless reasoning, to claim the produce of the land, including pasturage, volunteer crops of hay, and stray cattle as their own by the simple act of appropriation. Some of the immigrants roamed about the country, almost living in their wagons, picking up unbranded calves as a means of livelihood. Almost before it was realized, and certainly before its full significance was at all perceived, great numbers of squatters were to be found all over the country; and with squatters possession was at least nine points in the law. Small respect did they entertain for legal technicalities; nor did they hesitate to challenge the most ancient land titles in Alta California.

In 1849 William Carey Jones was deputed the delicate task, by the Secretary of the Interior, of investigating the validity of California land grants, with a view to determining what portion of the territory fell under congressional jurisdiction. Jones submitted an exhaustive and impartial report in May, 1850, his main conclusions being quite out of harmony with the wishes of the squatters. He found, for example, that the great majority of the Mexican grants had been made in conformity with law and were, in short, "perfect titles," "equivalent to patents from our own government." Even where there were insufficient technical evidences of title, long and continuous occupation was held to establish title.

From the standpoint of the American pioneers, however, it was deemed intolerable, in the words of Katherine Coman, "that a few hundred despised Mexicans should have control of vast tracts along the coast, leaving only the remoter districts for the *bona fide* farmer. What right had the Vallejos, the Arguellos, or even Captain Sutter to eleven league grants? These great estates savored of effete aristocracy and should be disregarded. The land belonged to the hardy men who had faced the dangers of desert and sierra and had brought the institutions and laws of the United States to the Pacific Coast."

The squatters became especially active at the chief commercial centers —San Francisco, Sacramento, Stockton—in seizing upon valuable lots with haughty disregard of legal ownership. In the case of Sacramento, which had been built on low ground along the river west of New Helvetia, Sam Brannan and other business men and speculators took measures to oust the squatters. Their leaders promptly drew up a statement of their position, which read as follows:

> Whereas, the land of California is presumed to be public land, therefore,
>
> *Resolved,* That we will protect any settler in the possession of land to the extent of one lot in the city, and one and sixty acres in the country, till a valid title shall be shown for it.

With such conditions afield, and with the squatter vote in the meantime becoming an increasingly formidable political influence, it is not difficult to perceive struggle and inevitable conflict just ahead. For the time being, at least, nothing but superior force would be able to dislodge the resolute squatter who had seized a vacant lot, built a "ribbon-fence" around it, and erected a flimsy shanty, all during the hours of a single night. Squatter riots became a natural consequence.

Sacramento was the scene of the most violent riots. The importance of this town in relation to early mining has already been pointed out. By 1850 it had 10,000 inhabitants, hundreds of whom had settled on vacant lots which had been sold by Sutter and his grantees to other men. Boldly asserting their claims, the squatters announced their determination to resist any and every attempt to dispossess them. On the other hand, those claiming legal ownership ordered them off and invoked the city authorities to aid them in the accomplishment of their purpose.

The crisis came on August 14, 1850. Quoting from the *Daily Times* of the day following;—

> At two o'clock a body of Squatters, numbering about forty, proceeded to the foot of I street, on the levee, and undertook to regain possession of a lot of ground, which had been lately in the occupation of one of their party. They were fully armed, and a general understanding prevailed that their object included the liberation of the two men committed the day before to the prison ship, upon the charge of being concerned in a riotous assemblage on the morning of the 12th, for the purpose of forcibly resisting the process of law. . . . The Mayor, Hardin Biglow, had meantime requested all good citizens to aid in suppressing the threatened riot, and very large numbers had gotten about the spot—several citizens armed, proceeded also to the prison ship—but no demonstration was made in that direction.
>
> The Squatters retreated in martial order, and passed up I street to Third, thence to J and up to Fourth followed by a crowd of persons. They were here met by the mayor, who ordered them to deliver up their arms and disperse. This they refused to do, and immediately several shots were fired at him, four of which took effect. He fell from his horse, and was carried to his residence, dangerously if not mortally wounded.

Then followed a general mêlée resulting in the death of several men and the wounding of still others. Continuing, the contemporary account says;

> After these terrible scenes, which occupied less time than we have employed to describe them, had passed, a meeting of the council was held, the citizens gathered at the corner of Second and J streets, and other places throughout the city, and proceeded to organize in parties to prevent further outrage. A band of mounted men under the command of the sheriff, hearing the report that the Squatters were reinforcing at the fort, proceeded thither. The lawless mob was nowhere to be found; scouts were dispatched in all directions, but no trace of them could be discovered; . . . Brigadier-General A. M. Winn issued a proclamation, declaring the city under martial law, and ordering all law-abiding citizens to form themselves into volunteer companies, and report their organization at headquarters as soon as possible. At evening, quiet was fully restored throughout the city. Lieutenant-Governor McDougal, who left upon the *Senator,* and expects to meet the *Gold Hunter,* will bring up this morning a detachment of troops from Benicia. An extraordinary police force of 500 was summoned for duty during the night.

The greatest vigilance was observed, without the necessity of further arrests. The squatters had apparently concealed themselves, and the public mind was composed. McDougal returned from Benicia with fifty stand of arms and 1,500 cartridges. The young Sheriff, Joseph McKinney, won expressions of admiration for his exalted courage and discretion. But he was not long to be spared. The *Daily Times* of the 16th says, "Another day of gloom arrives in the dread succession which we are compelled to record;" and from the narrative we learn that McKinney had proceeded to the village of Brighton in company with a party of twenty men with a view to arresting persons concerned in the outrages of the 14th. The squatters refused to obey the demand for surrender, shots were fired, and McKinney was mortally wounded. Three squatters were killed on the spot and three prisoners were taken.

In the meantime Governor Burnett sent a dispatch from San José to Brigadier-General Winn, calling upon him to order out his entire command, "and give all the aid in your power to the civil authorities, in suppressing violence and enforcing the laws." On the morning of August 16, two military companies arrived from San Francisco, accompanied by Mayor J. W. Geary, placing themselves under command of General Winn. Two days later the following proclamation was issued from the mayor's office:

> *Fellow Citizens*: Peace, order and quietness have re-assumed their sway. Scouts have returned, after scouring the neighborhood, and report the absence of any appearance of hostilities. A heavy guard is constantly maintained, and the city is safe from an attack. Reliable information has been received from the mines, assuring us of the falsity of the rumors of assemblages to resist the law. An observance of the ordinance against discharging fire-arms in the city is commanded. Especially is it necessary at this time, after nightfall. Officers on duty

will attend to this. No further disturbance is apprehended, but our vigilance must not be relaxed.

D. Strong,
Pres. Common Council and Acting Mayor
August 19, 1850.

With peace and quiet once more restored in Sacramento, squatterism seemed totally dead so far as concerned city property, and the community was permitted to resume its usual activities after a period of utter stagnation of private business and the cessation of works of public improvement.

Squatting commenced at an early date in and about San Francisco, and the practice continued until land titles were authoritatively settled by court decisions. Scarcely any considerable part of the city and county was exempt from seizure by squatters at some time. As an early instance, it is related that at Rincon Point Theodore Shillaber had received a lease from the Federal authorities; but on attempting to take possession, he found the property occupied, in the main, by squatters, most of them from Sydney. In the *Annals* the narrative continues:

> These refused either to pay rent or vacate the land. Captain Keyes, therefore, having charge of the presidio, marched to the Rincon with a company of twenty United States soldiers, and soon demolished all the tents and shanties that had been erected on the government grounds. A Mr. White, one of the leaders among the squatters, subsequently brought a civil action for damages against the captain; but the latter was sustained by the court, and the case was dismissed, the prosecutor being required to pay the costs.

In describing the scenes of desolation after the great fire of May 3, 1851,—scenes that "might wring tears from a heart of stone,"—a writer tells of some of the victims who "had already commenced fencing in their lots, although the smouldering ashes emitted an almost suffocating heat. These hasty proceedings were at that time expedient," it is explained, "to prevent their lots from being jumped; for these were the days of squatter memory, when possession was nine-tenths of the law."

At this point it becomes appropriate to allude to one of the most astounding claims to land that can be found in our entire annals. That there were innumerable disputes regarding land claims in and about San Francisco can radily be understood by the most casual reader. The hectic social life in the early metropolis of California, the widely pervasive officiel corruption of the time,—to which must be added an almost criminal lethargy on the part of the public—brought about a situation ripe for all manner of fraudulent claims and attempts at spoliation.

In 1853 José Y. Limantour, a French resident of Mexico, came boldly forward with a claim to some 600,000 acres of land including a number of important islands and four square leagues in and adjoining the city of San Francisco.

> "Among all the astounding claims to land, which, arising from time to time in different parts of our wide Republic, have challanged and commended the attention of the whole country by their magnitude and

> importance," wrote Mr. B. S. Brooks in the *Pioneer* magazine for 1854, "that of José Y. Limantour holds pre-eminence. The value of the property claimed, rapidly increasing day by day, is greater than ever awed the soul of Judge before. . . . "

A decade before the Frenchman had aided Governor Micheltorena, whose career in California was short and full of trouble, and the Governor had signed the grants. The citizens of San Francisco were inclined rather indifferently to regard the claims as an attempted blackmail; but when the said claims were upheld by the Federal Land Commission, alarm became genuine. Moreover, the presidio lands, the custom house, the newly established mint, and other government property were gravely imperiled. A large fund was therefore appropriated for the purpose of upholding the rights of the government and of combatting the claims of Limantour. In the end forgery was established, they were adjudged fraudulent by the Federal District Court, and an order was issued for the arrest of the chief perpetrator. He deposited a bond in the amount of $30,000, which he forfeited, fleeing the country forthwith for Mexico. The Limantour claims were pronounced by the Attorney-General of the United States "the most stupendous fraud—the greatest in atrocity as well as in magnitude—ever perpetrated since the beginning of the world."

Similar in certain respects was the Santillian claim to three square leagues within the confines of San Francisco, which was confirmed, to the consternation of property owners and government officials. However, an appeal was promptly entered to the United States Supreme Court. Nathaniel Bennett was employed as attorney: his able presentation of the case, sustained by an aroused attitude on the part of the people, finally secured the rejection of the claim, which had been sold by the priest José Santillian to the "Philadelphia Association."

Squatting came to be practiced somewhat commonly in the mining regions,—and very naturally so. The ever restless prospector, longing for a "big strike," could hardly expect to leave his claim for weeks at a time and return to find it unoccupied. New camps usually adopted rules for their own government, defining the size of claims and the requirements for holding them. Written notice was generally required, with stakes, to define a claim. In the case of an unworked claim, if the notice were not posted or renewed in accordance with the required usage, another person might claim the right to "jump" it,—i. e., squat upon it.

Not all squatters were rascals or scoundrels, by any means. If there was a fair presumption that a given spot was not actually included in a grant, it might even be accounted a virtue in a settler to take possession and begin its development. It became quickly notorious that there was no accurate survey of the great grants in existence and that such boundary marks as had been set up were usually inaccurate and often extremely temporary in character. To illustrate, these words occur in the act of judicial possession of Rancho San José:

> A large oak was taken as a boundary, in which was placed the head of a beef and some of its limbs chopped.

In some cases the cattle brand of the owner was burned in the tree. By the time the United States surveyors came upon the scene, many of these marks had been entirely obliterated, and the search for their former location occasioned much trouble. Other elements of difficulty were encountered in the fact that many of the older grants were for restricted areas within larger boundaries, which therefore included "unascertained and unlocated government land." To add to the later confusion, there appeared in the defective records numerous duplications and conflicts in the names of grants. In short, pre-American Californians as a rule did not build line fences, neither did they quarrel about boundaries of neighboring ranches. Why should they? Since land was so very plentiful and of so little value, there was no motive to commit fraud,—a condition that undoubtedly furnishes an explanation of not a little of the ensuing confusion and spoilation of Mexican land grant holders.

As might have been expected at such a time and in such an environment, the "professional squatter" was not long in appearing on the scene. Indeed, in certain localities the practice of squatting was for a number of years a usual method of acquiring land either to be held permanently or for speculation. Rough and unscrupulous men hired themselves out to any who would employ them for the sole purpose of taking and holding possession—by force if need be—of coveted land. The usual squatting implements in the hands of the hirelings were blankets and firearms. This, however, represented the sordid side of squatterism, which as a whole should not be ruthlessly condemned for the vicious practices of a slender minority.

It is not surprising that the squatter became a political factor: his vote was eagerly sought after by the candidate for office. In his second annual message to the Legislature, meeting in Benicia in 1854, Governor John Bigler dwelt upon the condition of the State, referring to the agricultural interests and the rights of "that enterprising and useful portion of our people"—the squatters. He disapproved the government requirement that the California settler must pay one dollar and a quarter per acre, while in Oregon the land was donated outright. As the squatters multiplied in numbers the politicians became markedly solicitous for their welfare: even the judiciary was not entirely free from this dubious and at times sinister influence.

On March 26, 1856, there was passed one of the most astounding statutes in the long history of the land question in California. This was entitled an "act for the protection of actual settlers and to quiet land titles in this state"; it provided that "all lands in the state were to be deemed and regarded as public until the legal title should be shown to have passed to private parties"; and that in case of a patent to certain land the "right of the patentee should be deemed to begin at the date of the patent," and the patentee could not recover for the use or enjoyment of the land prior to that date. The statute was extremely favorable to the settler; but any bad effects that it might have had were prevented by a prompt pronounce-

ment of unconstitutionality by the State Supreme Court. Nevertheless it had served to indicate the political strength of squatterism from the gubernatorial office, through the halls of legislation, on down to petty local administration.

At this point it is proper to interject a word on another phase of the land question, touching the relationship existing between state and nation. The United States survey of California was commenced in 1851, when a monument was fixed on Mount Diablo as a point of beginning for a base line. At later dates Mount San Bernardino and Mount Pierce were similarly selected for the southern and northwestern portions of the State, respectively. Within a few years large amounts of federal lands were taken up by preemption claimants. With the operation of the national Homestead Act of 1862 a new and better method of acquiring public land was provided, a method which was taken advantage of by many home-seekers in California.

The State of California itself became a land dealer on a very large scale, since it acquired title to vast areas of the public domain from the Federal Government. To the State was granted 500,000 acres, in addition to two sections in each township, in accordance with the constitution of 1849, to be used for school purposes. When this land was offered for sale at a low price many purchasers were attracted, and by 1860 nearly all available school land had been sold. Swamp and overflowed lands were also placed under the control of the State; but because of divergent views on the intricate questions involved, it was many years before California was finally in a position to give clear title to any of its public lands.

It seems obvious that at the time of the passage of the Congressional Act of March, 1851 ("An Act to ascertain and settle the private land claims in the State of California"), the general belief prevailed in the national legislature that "all land claims in California, derived from the Spanish and Mexican governments, were inchoate and imperfect, mere equitable claims, which our government, by treaty stipulations and the law of nations, was bound to protect. The act provided for the creation of a board of commissioners authorized to receive petitions for the confirmation of private land claims and to decide as to their validity. Section 8 provided that—

> Each and every person claiming lands in California, by virtue of any right or title derived from the Spanish or Mexican government, shall present the same to said commissioners when sitting as a board.

All who should fail thus to present their claims were to be penalized in accordance with Section 13, as follows:

> All lands, the claims to which shall not have been presented to the said commissioners within two years after the date of this act, shall be deemed, held and considered a part of the public domain of the United States.

The United States Supreme Court, in the case of Boteller et al. against Dominguez, decided these provisions to be constitutional in their applica-

tion to perfect as well as imperfect titles. Justice John Currey of the California Supreme Court has strongly combatted this decision, contending it is not supported either upon principle or by authority. Since the defendant held a perfect title under the law of Mexico, he argues, *"neither the law of nations nor the faith of the United States would justify the legislature in authorizing these boards to annul pre-existing titles, which consequently might be asserted in the ordinary courts of the country against any grantee of the American government."* At the time of the Mexican cession Dominguez had a perfect title to the tract Las Virgenes; but failing to submit title to the commissioners, the tract became a part of the public domain.

> "Is not this, in effect," asks Judge Currey, "a confiscation of the property of Dominguez, depriving him of it without due process of law, taking it from him for the use of the government, without rendering for it a just compensation?" He adds: "It is impossible to understand how the owner of land by perfect title can be held to have lost his right to it because another person, without right or title, had secured to himself a confirmation, based on a false claim thereto, and a patent from the government, which had no right or title to such land."

Enough has been said to afford a background for an understanding of the feeling that was rife,—the echoes of which have not even yet wholly died out,—that many of the original owners of California lands, solemnly guaranteed protection by the United States, were mistreated and in some instances actually despoiled by the harassing activities of squatters and squatter lawyers, and even by the government itself. The old Californians, as a rule, says Theodore Hittell, were "an ignorant and improvident race and no match whatever for the sharpers, many of whom made a business of taking pay for their services in land and, in so doing, rating the one ridiculously high and the other ridiculously low." Another sharp practice was the loaning of money to rancheros at rates of interest that were ruinously high, taking mortgages to secure the loans. Given such a mortgage, with interest at five or six per cent a month, compounded monthly, the speedy result was spoliation under the guise of purchasing the property on foreclosure judgment. It can not be doubted that in not a few instances fortunes thus tainted with fraud were built up by designing and unworthy Americans.

Even where there was no downright fraud the proceedings required to clear title were not only utterly baffling to the average ranchero of the old régime but—involving the course of five or six trials beginning with first presentation before the land commission—likewise exceedingly long-drawn-out and ruinously expensive. The costs of litigation and the expense of fighting squatters brought about the financial downfall of many rancheros, whose property, in numerous instances, passed into the hands of shrewd attorneys.

The land commission, then consisting of Hiland Hall, Harry I. Thornton, and James Wilson, opened its sessions in San Francisco January 2, 1852. On March 3, 1856, the board finally adjourned, having undergone

a complete change of personnel in the meantime. Hittell gives this resumé:

> The number of land claims presented to it . . . was eight hundred and thirteen, asking for nineteen thousand one hundred and forty-eight square miles, or upwards of twelve and a quarter million acres; and of the claims presented five hundred and fourteen were confirmed, two hundred and eighty rejected, and nineteen discontinued. Almost all were appealed to the United States district courts, in which about twenty of those which had been confirmed were rejected, and about a hundred of those which had been rejected were confirmed. In four hundred and thirty-four of the cases of confirmation, the appeals taken by the United States were afterwards, about 1857, withdrawn or dismissed by consent and the judgment of the land commission accepted as final decrees, upon which patents were eventually issued. In about sixty of the cases appealed to the United States district courts, there were further appeals to the United States Supreme Court.

Claimants in Southern California were seriously handicapped by their distance from the place of sessions, since the board sat throughout in San Francisco, with the exception of two months, when it sat in Los Angeles. Some of the grantees were compelled to wait long to have their patents recorded. As extreme instances, mention may be made of the patent for the Simi grant, which was twenty-four and a half years old when finally received, and that for the Cañon de Santa Ana, twenty-four years old! It was not unusual to have them recorded only after a portion of the old grant had been sold. It was more than ten years after the Treaty of Guadalupe Hidalgo was signed before the United States confirmed the title to any grant, while it is recorded that before one certain claimant could call his land his own he was compelled to wait thirty-five years! Particular importance attached to the confirmation of the title to the city of Los Angeles of the old pueblo lands, since on this rested the titles of many persons holding under grants from the pueblo. A tract of some 17,000 acres claimed by the city under a Mexican grant of 1844 was signed by President Johnson on August 9, 1866.

It might have been expected that the result of the long controversies and extended litigation would be a general distribution of the great ranchos of California among American homesteaders; but, on the contrary, the result was a segregation of vast land holdings in the hands of successful lawyers and investment bankers who had advanced money or mobilized credit to their own great personal advantages. In the course of years the crude practice of squatterism began to grow less, then to disappear; but in the meantime there was growing up in California a land monopoly of more sinister import, and from the deleterious effects of this the State can not even yet claim to be entirely free.

CHAPTER XXVII

THE FILIBUSTERS

Broad and varied as is California's historic background of racial interest and social fascination, few of her citizens of today are aware of the significant fact that the State was the "rendezvous par excellence" for bands of daring men called Filibusters, who made bold to invade Hispanic lands in time of peace, even at the risk of life. The name filibusters, at first a term of opprobrium, came to be applied to associations of men originating in the United States having as their ostensible object the freeing of outside territory from European or other foreign control. When a filibustering expedition succeeded, its leader was regarded as a hero: when it failed, he was branded as a villain and punished as an outlaw. The acquisition of Texas may be regarded as perhaps the most successful result of filibustering expeditions.

Some of the imputed wider aspects of filibustering were well perceived by a contemporary writer in *The Pioneer* (1854), who asserted:

In some form, though under different names, the practice itself is as old as human history:—moved by the inborn spirit of adventure and the desire for new possessions, men from time immemorial have gone forth seeking new lands and new sensations.

> Alexander was a Filibuster; and so was Caesar; and so was Napoleon. . . . Cortez was a Filibuster, and every foot of dominion in America was acquired by the process of Filibustering alone. Every foot of Mexican soil is now under the dominion, language, laws, usages, and liturgy of Filibusterism.

Later in the same article the writer comments on one of the most interesting and withal most perplexing problems running through American history. Says he:

> A broad view of this subject of acquisition leads us to consider that, however strong the temptation may be for embracing the advantages of conquest, a high sense of American honor forbids any injustice or cruelty in the enterprise. Every man of right judgment and generous impulse will shrink from purposes of gain at the price of his integrity as an American gentleman. In the great question of natural rights it is difficult to determine how far a weak, indolent and sluggish people have claim to dominion over wide regions in the vineyard of the earth, which they by neglect and incompetency see fit to devote to waste and uselessness. If men stand ready to plough, and delve, to reap and build, to navigate and legislate, to fight and protect a portion of God's land, must they wait the slow process by which a wilful and stubborn race doom themselves to dishonorable and certain decay? Or shall the arts of persuasion, the compulsory lash or threatened chastisement

be used to compel these unprofitable servants to reform and to rescue their country from wild unfruitfulness?

The first American filibusters set before themselves the object of freeing Cuba and other islands of the West Indies or parts of Central America from European control. Many expeditions originated in the great southwest. But one of the less frequently observed effects of the California gold discovery and the consequent rush to the Pacific border was that of fostering expeditions from San Francisco and other points in quest of Hispanic American lands. Among the multitudes of gold seekers it was easy to find restless spirits and adventurers who had failed to amass immediate wealth, only too eager to listen to the siren voice of some filibustering leader who promised excitement, conquest, and personal fortune.

The filibuster is not to be confused with the early *empresario,* who entered into formal contract with the government of Mexico to secure and introduce a definite number of families into the territory as colonists. While in certain instances the two had much in common, the *empresario* is of slight moment in California history. Filibusterism involved a lawless aggression in the form of military expeditions into foreign territory. Conditions precedent that made California especially prolific in expeditions were the lack of good communication with the east, the rapidly shifting social and economic status, the presence of disappointed or unemployed adventurers from the mines, and the conspicuous example of Texas. Not a few were impelled to fare forth because of their conviction that Manifest Destiny was ever beckoning the United States to press onward into new lands; while the desire to secure new areas for the spread of slavery, and thus restore the balance of power in the national councils, motivated many southerners in their filibustering activities. Without the accession of virgin lands, the "peculiar institution" was doomed. "The forces underlying filibusterism," says William Scroggs, "were in fact exceedingly varied and complex, and to describe them requires the telling of a long but interesting story."

Alex. Bell, a pioneer, led the first filibustering expedition out of California after its admission to statehood. He planned to reinstate the deposed president of Ecuador. Sailing first to Panamá in 1851, Bell was reinforced by Ecuadorian sympathizers, then he sailed up the Guayaquil River, proceeding against Quito. But before he reached the city the rival factions of the country,—as has frequently happened under similar circumstances,—effected a reconciliation and joined in the desire to rid their country of the Americans. The upshot of the fiasco was that Bell was sent back to Panamá, his party stranded there, and several years later he straggled back to Los Angeles. He died in San Francisco in 1859.

Next came Joseph C. Morehead, who organized an expedition in Southern California against Baja California, hoping to take advantage of the frequent revolutions there. But his following proved to be very meagre and his equipment totally inadequate. Compelled to stop at San

Diego for fresh supplies, his party was greatly reduced by desertions; with the handful of followers that finally landed on Mexican territory he could accomplish nothing, and therefore was thankful at last to get back to the United States.

In the early days of California's statehood, probably at least every tenth man was a Frenchman. The French, many of whom had left their native land because of the political troubles of 1848, made a disproportionate contribution to the city population. In the first period of gold excitement it is said that some five hundred Frenchmen drew free tickets to California, which were offered in Paris as lottery prizes. These and their fellow countrymen proved to be a clannish and rather discontented population group, very slow to be assimilated, and as a class called upon to suffer very severe conditions. Among the Frenchmen in California were those of aristocratic birth as well as representatives of the humble peasantry. In short, conditions were favorable for devising schemes for colonization in Mexico and there was excellent material among the French population in California for the use of their daring and venturesome leaders. Three such leaders are deserving of mention in this brief narrative,—Marquis Charles de Pindray, Lepine de Sigondis, and Count Gaston Raoul de Raousset-Boulbon.

De Pindray was a handsome cavalier of giant strength and unusual skill at handling weapons. In 1851 the government of Mexico issued a call for volunteers to protect the rich mines of Sonora against the Apaches. For their services the volunteers were to receive valuable lands for purposes of forming a buffer colony against the Indians. Here was De Pindray's opportunity. Accepting the offer of the Mexican government, he raised a company of volunteers; and on the day after Christmas, 1851, he landed at Guaymas with a hundred and forty men,—all Frenchmen, since Mexico, still feeling the sting of defeat, had excluded Americans.

The colonists were greeted with joy and merry-making, the local authorities placing at their disposal horses, mules, provisions, and munitions of war, besides promising pay for their services. With his forces augmented by a number of natives, De Pindray proceeded to Arispe, then began the hard march across the desert, his objective being the gold mines of Arizona. But the task presented unsuspected difficulties; internal dissension quickly developed, likewise ill-feeling between the Mexicans and the French. In May the expedition was halted on account of the illness of its leader: a little later De Pindray was found dead, shot through the head, either through disappointment taking his own life, or the victim of assassination at the hand of some discontented follower. Making their way out of the desert as best they could, the survivors encountered another expedition of their countrymen under Count Raousset-Boulbon.

In the meantime De Sigondis had organized an expedition and started for Sonora. This enterprise, which enlisted a following of about sixty

men, was lacking in the necessary military features; and being narrowly conceived on the sole basis of the accumulation of wealth, it proved fruitless and the organization itself fell quickly to pieces.

Raousset-Boulbon was the greatest of the French filibusters. Small of stature and turbulent of soul, he was aptly nicknamed "Little Wolf": nevertheless he was characterized by marked versatility, abounding energy, and great personal courage; he was well educated and not without idealism, but withal,—it must be admitted—given to prodigality and hedonic gratification. It was after spending his substance that he came, in 1850, to California to seek his fortune. In none of the numerous jobs he tried did he meet with any considerable degree of success; but he did contrive, even in adversity, to carry the air of leadership, especially among his compatriots.

With his thought on the rich mines of Sonora he developed a mining and colonization enterprise in which the French consul at San Francisco, M. Patrice Dillon, became much interested, in the meantime declining De Pindray's invitation to join him. More far-sighted than the others, he clearly perceived that he must gain influential backing to insure success. Dillon, himself a filibuster at heart, became enthusiastic over the prospect of forming a buffer colony to check the further advance of the United States. After taking the precaution of visiting Mexico City and winning the support of the French minister there, he effected the organization of *La Restauradora,* in February, 1852, obtaining for it the desired concessions in Sonora. The enterprise was underwritten by a banking house, and both the French minister and the governor of Sonora became financially interested.

Such substantial backing rendered the recruiting of members an easy task. With bright prospects before them, they sailed, a hundred and fifty strong—on May 19, 1852, for Guaymas. On landing the Frenchmen were given an enthusiastic welcome, such as had greeted De Pindray. But the forces of jealousy had already begun to work in the form of a rival organization of *La Restauradora.* The coolness of the officials toward the French colonists was an ominous sign; still more unfortunate was the fact that the captain-general of Sonora, General Miguel Blanco, had been won over to the rival company. General Blanco's word was law. He proceeded to put serious obstacles in the way of Raousset's success. First compelling him to remain at Guaymas for a month, when the wily Mexican finally granted permission to proceed to the interior, it was to be by a circuitous and difficult route twice the distance generally required. The Frenchman ventured to ignore the stipulations laid down, and so proceeded by the usual route. But difficulties overtook him and trouble was his constant companion. Nevertheless he reached the pueblo of Santa Ana in August and was but a few days from the coveted claim, when Blanco's courier appeared with orders (to the Count) to halt the advance and report in person to himself at Arispe, a hundred miles and more away! Raousset sent two of his officers in his stead, and when confronted

with three courses laid down by Blanco, he had the temerity to reject them altogether, thus making his company of Frenchmen in effect armed enemies of the Mexican government.

Then follows a period of organizing a rebellion and preparing for hostilities, Blanco seeking to compass the desertion of the Frenchman, and the Count holding out inducement to the natives "to enlist under the banner of Sonora." The declaration of independence was issued September 21, 1852. A month later he left for Hermosillo, held by Blanco, from whom he took the place without difficulty. It was a Pyrrhic victory, however; for the natives showed no disposition to give him their allegiance, and he had not the force to compel it. Raousset, therefore, realizing his isolated condition and seeing disaster ahead, prepared to evacuate Hermosillo, after holding it twelve days, and retreat to Guaymas. He suffered from a critical illness, his forces became divided, and Dillon at length summoned him to return to San Francisco, where in spite of his serious reverses he was given a demonstrative welcome.

While in Mazatlan for the purpose of recuperating from his long illness, Raousset received a message from Dillon urging a renewal of his colonization enterprise.

The taste of glory coming as a result of distorted reports of the capture of Hermosillo stirred his vanity and brought to his credulous mind visions of "a French empire in America which would eventually engulf even Mexico itself." He frequently said, *"Je ne puis plus vivre sans la Sonore."* His personal enthusiasm met with such response that his second expedition was almost assured, when his hopes were suddenly ruined by a report to the effect that President Santa Anna had sold Sonora to the United States. While Raousset himself was unwilling to credit the report, it served to alarm his financial backers, who thereupon refused to advance the necessary funds.

The report had its basis in the negotiation of a treaty between the United States and Mexico for a strip of land known as Gadsden's Purchase. This strip of land, lying on the southerly side of the boundary established in 1848 and extending from the Gulf of California to the Rio Grande, embracing an area of more than 45,000 square miles, became a part of the territory of the United States when the treaty was proclaimed June 30, 1854. The consideration was $10,000,000, and the territory now constitutes the south portion of Arizona and New Mexico.

But in the meantime matters had become further complicated by the appearance on the scenes of the chief of all California filibusters, William Walker, one of the most dramatic figures in our entire history. Born in Kentucky in 1824, he was of restless nature but studious mind, graduating from the University of Nashville at the immature age of fourteen. He took up the study of medicine at the University of Pennsylvania and was awarded his degree in 1843. He then went to Paris to continue his medical studies for a year, followed by another year spent in visiting various European cities. Returning to Nashville in 1845, he already

possessed a cultural background and professional training quite exceptional among young men of his day. Nevertheless he did not find the practice of medicine to his liking; therefore he turned his attention to the reading of law. Finding little aptitude for the work of an attorney, he next turned to the field of journalism, becoming an editor of the New Orleans *Crescent.* His career as a journalist was likewise quickly interrupted. After suffering severe personal disappointment, he caught the spirit that impelled him to join the army of California argonauts, and in June, 1850, he arrived in San Francisco. Here he became associated with the *Daily Herald,* and the criticisms that came from his pen eventually sent him to jail. He had the approval of the pioneers, however, and was soon set free. During 1851 and 1852 he engaged in the practice of law in Marysville, one of his colleagues being Stephen J. Field, of later fame on the bench of the Supreme Court of the United States.

Rumors of strange schemes of colonization in Mexico reached him: thrilling accounts of the doings of French adventurers lured him from the law and fired him with a passion to venture forth into still another field. That passion made of William Walker "the grey-eyed man of destiny," arch-filibuster of California. On Raousset's return from Mazatlan, Walker called on him, making overtures with a view to co-operation; but the Frenchman declined to associate himself with an American expedition. Therefore Walker proceeded with plans of his own.

Being unable to finance his new project, on the other hand, Raousset appealed to Napoleon III, but without success, the interest in Walker's project deepening all the while and bringing to his support certain influential men in Washington. Viewing the situation with deep concern, President Santa Anna asked the Mexican consul at San Francisco to recruit a new expedition of Frenchmen for the purpose of nullifying the American filibusters' plans. Here was the opportunity for the French count. Self-confidence was fully restored: he gave his imagination free rein until he became "thoroughly convinced that the colony he was about to found in Mexico would be the starting point of the domination of France in that country."

Misfortune, however, was his lot. Delay and hardship and shipwreck took their dismal toll; and when he finally did reach Guaymas, he met resistance instead of welcome. The pitiable remnant of Raousset's forces was thoroughly demoralized, and the count himself was compelled to surrender. Tried on a charge of conspiracy and rebellion, he was convicted and finally executed August 12, 1854. The failure of this courageous and ambitious but tactless adventurer marked the end to French plans in California for gaining a foothold in Sonora.

The ambition of William Walker was not merely to found a colony in Mexican territory but to bring about the independence of Sonora and Baja California for ultimate annexation to his own country, thus affording a great new area for the extension of slavery. He was carried away by an unquestioning belief in his own destiny, "insanely confident of

success," yet evincing such extreme caution as usually to disarm the Mexicans themselves of all suspicion. An American traveler who saw him frequently in Guaymas during the summer of 1853 has given us an interesting picture of the picturesque man. Described as being below medium height and quite slim, he could hardly have weighed over a hundred pounds. Continuing, T. Robinson Warren wrote:

> His hair light and towy, while his almost white eyebrows and lashes concealed a seemingly pupilless, grey, cold eye, and his face was a mass of yellow freckles, the whole expression very heavy. . . . His head was surmounted by a huge white fur hat, whose long knap waved with the breeze, which, together with a very ill-made, short-waisted blue coat, with gilt buttons, and a pair of grey, strapless pantaloons made up the ensemble of as unprepossessing-looking a person as one would meet in a day's walk. . . . But any one who estimated Mr. Walker by his personal appearance made a great mistake. Extremely tacturn, he would sit for an hour in company without opening his lips; but once interested he arrested your attention with the first word he uttered, and as he proceeded, you felt convinced that he was no ordinary person. To a few confidential friends he was most enthusiastic upon the subject of his darling project, but outside of those immediately interested he never mentioned the topic.

No doubt his precocious but immature mind had been profoundly influenced while he was in Europe by the flux of revolutionary teachings of 1848. His firm advocacy of slavery caused him to look with apprehension upon French filibusterism which, it was feared, might put a serious obstacle in the pathway of American Manifest Destiny.

Resolved to carry into effect his scheme for colonization, Walker opened a recruiting office in San Francisco, which was generally patronized, especially by Kentuckians and Tennesseeans; and hundreds bought the scrip, which was to be redeemable in Sonora lands. Eluding the government officials, Walker left October 16 on the *Caroline* with forty-eight followers, landing at La Paz, where he was reinforced by two hundred men. He proclaimed the free and independent "Republic of Lower California," extending over it the laws of Louisiana. Realizing the insecurity of his position, he retired northward, making Ensanada his headquarters. His next step was to abolish the Republic of Lower California and establish the "Republic of Sonora," to consist of two states,—Lower California and Sonora,—with himself as president.

Reports of Walker's activities brought him immense popularity in California. Hundreds of restless and disappointed miners were eager to join the movement. The flag of the new Republic was raised at the San Francisco enlistment office and bonds of the organization were sold. For the time being filibusterism seemed to be synonymous with pioneer progress.

Reverses came soon enough. When two hundred recruits from San Francisco arrived, the supplies were so depleted that a band of men was sent out on a foraging expedition. But rather than lose their cattle and provisions, the natives offered battle; and in the meantime the seeds of

discontent had been sown in the ranks. Desertions began to take place; and, to make matters worse, the execution of four deserters and public flogging of two others had the effect of adding to the unpopularity and disintegration. When Walker was ready to start for Sonora his force numbered only a hundred men; on reaching the Colorado River he had but thirty-five followers. It was obvious that he could not hold the country with such a handful of men; therefore he reached the decision to abandon the project. In early May, 1854, the pitiful remnant reached the boundary near Tia Juana and surrendered to the United States authorities. What might have been it is perhaps seldom the province of the historian to explore; but at least it is interesting to speculate as to what the outcome would have been if Walker's party had reached Sonora and there gained such a foothold as to repeat the exploits of Sam Houston in Texas. Would Sonora and Lower California have become territories—or perhaps states—of the United States? What effect would such an eventuality have had upon the national issues of slavery? And would it have hastened or retarded the "impending crisis"?

On arriving in San Francisco Walker was tried on a charge of violating the neutrality laws of the nation. Being finally acquitted, he resumed the practice of law,—but not for long. Once again he yielded to the temptation to go; filibusterism was to him like an incurable disease. This time his objective was Central America; it may be said that the ground was being prepared by a revolution in Nicaragua. One of the factions in the struggle conceived the idea that with the aid of Walker, whose fame had already reached Nicaragua, success would be certain; and Walker lent a willing ear to their entreaties. On May 3, 1855, with sixty enlisted men, he set sail, there being no serious attempt on the part of government officers to prevent his departure.

The Battle of Rivas put him in control of the situation, and a little later he declared himself President of Nicaragua. His early success resulted in an extensive recruiting propaganda among slavery advocates at various points in the United States. Even Tammany Hall expressed approval. In the heyday of power Walker deemed it not necessary to be so cautious and calculating: forgetting the admonitions of discretion, he began "to manage things to suit himself." Thus he revoked the franchise under which the Vanderbilt Steamship Company transported passengers across Nicaragua on their way from ocean to ocean, and conferred the right, in the form of a twenty-five-year permit upon Edmond Randolf. Perhaps even more bold was he in proclaiming a reversal of the Nicarauguan anti-slavery laws, which had existed for about a third of a century.

The sequel to such acts was a series of revolts which, we may be sure were made more troublesome by being fostered by Commodore Vanderbilt. Revolt was followed by actual declaration of war against the generalissimo, who, unable to stem the tide of racial antipathy, was com-

pelled to surrender, in May, 1857, and to leave the Republic of Nicaragua, after a sojourn of two years.

About six months later Walker organized his third undertaking, but this time it was from Mobile, Alabama. Before he had been able to make much progress, however, Commodore Pauling, U. S. N., forced his surrender and returned him to the United States. Again he was tried, but his case was dismissed. Still a victim of the incurable disease, he organized his fourth and final expedition, in New Orleans. Landing in Honduras he hoped to be able to proceed to Nicaragua; but because of repeated desertions and the precarious nature of his situation, he finally surrendered himself to a British captain, who delivered him up to the Honduran authorities. Tried by court martial, he was found guilty and was shot September 12, 1860. Thus ended the career of the chief of California filibusters, an erratic and picturesque character, without doubt, but withal a personage possessing much of strength and attractiveness and revealing not a little of the deeper currents of the life of his time.

In the closing paragraphs of his unique book, *The War in Nicaragua,* Walker has left us a glowing statement of his ideals and purposes with reference to Nicaragua, which is worthy of repetition here:

> My main effort has been to trace as distinctly as I could the causes of the war, the manner in which it was waged, and the circumstances attending its conclusion. As I said in the last general order published at Rivas: "Reduced to our present position by the cowardice of some, the incapacity of others, and the treachery of many, the army has yet written a page of American history, which it is impossible to forget or erase. From the future, if not from the present, we may expect just judgment." That which you ignorantly call "Filibusterism" is not the offspring of hasty passion or ill-regulated desire; it is the fruit of the sure unerring instincts which act in accordance with laws as old as the creation. They are but drivelers who speak of establishing fixed relations between the pure white American race, as it exists in the United States and the mixed Hispano-Indian race, as it exists in Mexico and Central America, without the employment of force. The history of the world presents no such Utopian vision as that of an inferior race yielding meekly and peacefully to the controlling influence of a superior people. Whenever barbarism and civilization or two distinct forms of civilization meet face to face, the result must be war. Therefore the struggle between the old and the new element in Nicaraguan society was not passing or incidental but natural and inevitable. . . . He is but a blind reader of the past who has not learned that Providence fits its agents for great designs by trials, and sufferings, and persecutions. "By the cross thou shalt conquer" is as clearly written in the pages of history as when the startled emperor saw it blazing in letters of light athwart the heavens. In the very difficulties with which the Americans of Nicaragua have had to contend, I see the presage of their triumph. Let me, therefore, say to my former comrades, be of good cheer: faint not, nor grow weary by the way, for your toils and your efforts are sure in the end to win success. With us there can be no choice; honor and duty call on us to pursue the path we have entered, and we dare not be deaf to the appeal. By the bones of the mouldering dead at Masaya, at Rivas, and at Granada, I

> adjure you never to abandon the cause of Nicaragua. Let it be in your waking and your sleeping thought to devise means for a return to the land whence we were unjustly brought. And, if this be but true to ourselves, all will yet end well. *Finis.*

The only other California filibuster of prominence was Henry A. Crabb, a resident of Stockton, and a member of the State Legislature. Realizing that, if the institution of slavery were to continue and prosper, new and virgin lands must be obtained, he was greatly impressed with the natural resources of Nicaragua, and was successful in interesting certain men of experience in a filibustering enterprise. His expedition sailed from New Orleans in January, 1855. Before anything definite had been accomplished Crabb returned to San Francisco, and, deciding to accept an opportunity to enter politics, he gave up the chance of leadership in the expedition to Nicaragua.

Early in 1857 Crabb organized the Arizona Colonization Company, with Sonora as his objective. He had married into a prominent family of Sonora, and certain of his wife's relatives sought his aid in the revolution then in progress. Among the men enlisted in this project were several prominent politicians of the State. Landing at San Pedro, "General" Crabb outfitted his expedition in Los Angeles and El Monte, thence proceeding overland *via* San Gorgonio Pass and Yuma to Sonora. The little town of Sonoita was reached in late March, when to his dismay he learned of the hostile attitude of the leaders who had solicited his aid. It was the old story,—leaders of the rival factions had reconciled their differences, and Ignacio Pesquiera, instead of welcoming the American filibuster, undertook to destroy the expedition. While approaching Cavorca, on the Gulf of Califosnia, the Americans were fired upon from ambush, and soon unequal battle was joined. His forces being badly shattered and in danger of utter destruction, Crabb surrendered to the Mexican commander on the night of April 6. Crabb and his companions were treacherously executed at the instigation of Pesquiera. Referring to this melancholy episode Professor Cleland says:

> The details of the massacre are too barbarous to be repeated. For heartless cruelty the incident is unsurpassed, even by the slaughter of the French at St. Augustine, or the butchery of the Texans at Goliad. The bodies of the Americans were left unburied and subject to the most shameful and revolting treatment.

At the time of the massacre John Forsyth was American minister to Mexico. Although distinctly hostile to Crabb's expedition and other like enterprises, he did not recognize this horrible incident as "a justifiable outburst of Mexican patriotism," but believed that Crabb was "the victim of deception, treachery, and surprise." Continuing, Forsyth wrote;

> It is not easy, upon a different hypothesis, to account for the conduct of Crabb. He was a man of sense and energy, and cannot be supposed to have gone with his eyes open into the snare that was set for him. He must have been betrayed.

Filibustering expeditions from California into Mexican territory ceased with Crabb's tragic end. While in themselves illustrative of certain interesting phases of our southwestern history, abounding in picturesqueness and not devoid of grandeur, such expeditions undoubtedly proved unfortunate as touching the interests of the United States in relation to Mexico. Forsyth pointed out that the invasions were calculated to produce influences adverse to the efforts he had been making "to eradicate from the Mexican mind the deeply-seated distrust toward Americans, and to establish in its stead a confidence in the friendly and honorable sentiments of our government and people towards them." Thus instead of inducing the border Mexican states to break the feeble ties that held them to the Mexican government, said the American minister,

> The people of Mexico have been taught to believe from the examples cited to them in California and Texas, that their property titles, especially to land, would not be respected by their new rulers. I have the opinions of the most intelligent men I meet here, that this circumstance alone has saved to the republic of Mexico the fidelity of Tamaulipas, New Leon, Chihuahua, and Sonora.

With the outbreak of the Civil War in 1861 and the final establishment of a more stable order in California, the chief motives for filibusterism ceased to operate. With the decline and fall of American slavery, Manifest Destiny, which, according to many expansionists, had been calling for more territory for purposes of slavery extension, entered upon a new and nobler phase.

CHAPTER XXVIII

TRANSPORTATION: FORERUNNERS OF THE RAILROAD

One of the greatest needs of California during the days of gold and early statehood was better transportation and communication. The argonauts felt that they were virtually out of the world; pioneers fondly spoke of going back to "Ameriky,"—as if the United States were a distant planet!

Under favorable conditions it required 100 days to make the 2,000 mile journey across the plains in the "prairie schooner,"—but then conditions were never really favorable! It is recorded that by 1851 a monthly mail was established between Sacramento and Salt Lake City, a distance of some 750 miles, the mail being carried on the backs of mules.

Numerous stage companies sprang up, with Sacramento as a center; for example, one of the most important was operated in the early '50s between Placerville ("Hangtown") and Salt Lake City, there connecting with the overland mail to St. Joseph. By this means letters from "the States" were delivered a week earlier than was possible by ocean transit, which, in turn, easily outstripped the ox or mule team.

Ben Holladay, a truly remarkable character, who well understood the value of advertising, rode in state in his stage coaches *de luxe*. His were the best that money could buy, and the equipment was of the finest. In 1857 he was awarded a ten-year contract, with lucrative terms, to carry the mail between the frontier states and the Pacific Coast. For a time the income from his stages ran as high as $1,500 a day. Between Fort Leavenworth and Denver he had 1,000 mules and fifty coaches, which some one has facetiously dubbed "hoss-power Pullmans."

For "Dave" Berry, who later earned the reputation of being the oldest stage driver in California, the astounding record of "Half a million miles on the box of a stage coach" is claimed. For forty-three years, every day of his life is said to have been given to that vocation, perched on the lofty seat of his stage coach and driving from 12 to 50 miles. Ben Holladay, Hank Monk, "Old Brady," and many contemporaries of the '50s will doubtless live long in story; but all must yield the palm to faithful old Dave Berry.

The first great stage line to afford transcontinental service, and one of the longest continuous runs ever operated, was the "Southern Overland Mail," in charge of John Butterfield, between St. Louis and San Francisco. The route was far to the south, *via* El Paso, Yuma, and Los Angeles, chosen in order to avoid the snows of the Rocky Moun-

tains. For this tremendous distance of 2,759 miles, the schedule was at first twenty-five and later twenty-three days. It was September 15, 1858, when the first coaches started simultaneously from St. Louis and San Francisco; a great ovation awaited each at its destination. The regular through fare was $100, gold; postage on letters was ten cents per half ounce. Of this daring enterprise William L. Visscher has written:

> The equipment consisted of more than 100 Concord coaches, 1,000 horses, 500 mules, and 750 men, including 150 drivers. It began as a semi-weekly stage, but was soon promoted to six times a week. The deadly deserts, through which nearly half its route lay, the sand storm, the

THE OVERLAND STAGE LEAVES FOR THE WEST

(From Pictorial History of California.)

> mirage, the hell of thirst, the dangerous Indian tribes, and its vast length —40 percent greater than that of any other stage line in our history— made it a colossal undertaking; and the name of John Butterfield deserves to be remembered among those Americans who helped to win the West. This "Southern Overland Mail" was operated till the Civil War utterly precluded mail-carrying so far south, and the Overland had to be transferred to a shorter northern route, where it took its chances with the snows.

From 1858 to the close of the Civil War the stage business enjoyed a golden era. In 1866 Holladay was bought out by Wells, Fargo & Co., whose early history in the West has many a thrilling chapter.

California had made urgent appeals to the government for overland mail service; and at length, after rejecting many proposals, Congress had passed a bill appropriating the sum of $30,000 for the purchase of camels!

In December, 1854, Major C. Wayne was sent to Egypt and Arabia to obtain the camels and a number of drivers. The animals were bought at Cairo and Smyrna, the prices ranging from seventy-five to three hundred dollars per head.

On the 10th of February, 1857, the store ship *Supply* landed at Indianola, Texas, its unique cargo of seventy-five camels and two drivers. This was indeed a novel experiment in transportation for California and the Southwest. Making from thirty to forty miles a day, and being able to go from six to ten days without water while carrying a load of from one thousand to two thousand pounds each, the first caravan of fourteen camels reached Los Angeles January 8, 1858. The whole population of the pueblo turned out to witness the strange but interesting spectacle.

But the camel caravan was a short-lived institution. Nobody seemed able to understand or manage the "ships of the desert" except Philip Tedio (Hi Jolly) and "Greek" George, the imported drivers. The regular mule whackers and the soldiers were filled with disgust and failed miserably to get any real measure of service out of the beasts. Finally the imported animals were turned loose on the Arizona desert, where they speedily became beggars and vagabonds on the face of the earth!

In the meantime B. F. Ficklin had conceived the idea of the Pony Express and confided his scheme to Senator Gwin. Sharp rivalry existed between the friends of the central route, *via* Salt Lake City to Sacramento, and the southern route, *via* Fort Smith, El Paso, and Los Angeles, to San Francisco. It was important to demonstrate that the central route was feasible for year-round travel if its proponents expected Congress to establish the desired service. After a conference with Senator Gwin in Washington, in the winter of 1859-60, William Russell hastened westward and at Fort Leavenworth submitted the proposition to his partners that led to the formation of the "Central Overland California and Pike's Peak Express Company," early in 1860.

Through Mr. William H. Russell, of the firm of Russell, Majors and Waddell, there was caused to be printed in the New York *Herald,* of March 26, 1860, and in the St. Louis *Missouri Republican* of the same date, the following advertisement:

TO SAN FRANCISCO IN EIGHT DAYS

—By—

THE CENTRAL OVERLAND CALIFORNIA

—and—

PIKE'S PEAK EXPRESS

The first courier of the Pony Express will leave the Missouri River on Tuesday, April 3d, at 5 o'clock, p. m., and will run regularly weekly thereafter, carrying a letter mail only. The point of departure on the Missouri River will be in telegraphic communication with the East and will be announced in due time.

Telegraphic messages from all parts of the United States and Canada, in connection with the point of departure will be received up to 5 o'clock p. m. of the day of leaving, and transmitted over the Placerville and

St. Joseph telegraph wire to San Francisco and intermediate points, by the connecting express in eight days.

The letter mail will be delivered in San Francisco in ten days from the departure of the Express. The Express passes through Forts Kearney, Laramie, and Bridger, Great Salt Lake City, Camp Floyd, Carson City, the Washoe Silver Mines, Placerville, and Sacramento.

Letters from Oregon, Washington Territory, British Columbia, the Pacific Mexican ports, Russian possessions, Sandwich Islands, China, Japan, and India will be mailed in San Francisco.

Special messengers, bearers of letters to connect with the express of the 3d of April, will receive communications for the courier of that day at No. 481 Tenth Street, Washington City, up to 2:45 p. m. on Friday, March 30, and in New York, at the office of J. B. Simpson, Room No. 8, Continental Bank Building, Nassau Street, up to 6:30 a. m. of March 31st.

Full particulars can be obtained on application at the above place and agents of the Company,

W. H. RUSSELL, PRESIDENT,
LEAVENWORTH, KANSAS, MARCH, 1860.
OFFICE IN NEW YORK, J. B. SIMPSON, VICE-PRESIDENT.
SAMUEL & ALLEN, AGENTS, ST. LOUIS.
H. J. SPAULDING, AGENT, CHICAGO.

United States Senator Cornelius Cole, who reached California in the vanguard of the gold rush of '49 across the plains, and whose hundred and two years of life, and long distinguished participation in its affairs, made him previous to his death in 1925 perhaps more than any other man the living embodiment of American history, vividly recalled the dramatic arrival of the first pony expressman at Sacramento. In his personal *Memoirs* he thus described it:

> Those who were there to witness it, will never forget the arrival of the first of these express messengers in Sacramento. It was an occasion of great rejoicing and everybody, big and little, old and young, turned out to see the fun. All business for the time was suspended; even the courts adjourned for the event. A large number of the citizens of all classes, grave and gay, mounted on fast horses, rode out some miles on the line to meet the incoming wonder. The waiting was not long. The little rider upon his blooded charger, under whip and spur, came down upon them like a meteor, but made not the slightest halt to greet his many visitors. Then began a race of all that waiting throng, over the stretch back to the city, the like of which has never been seen. It may have been rivaled in speed and confusion by some of the cavalry disasters during the war that presently followed, but the peaceful people of Sacramento, I am sure, never beheld anything of the kind before or afterwards. The whole cavalcade, shouting and cheering, some waving banners and bareheaded, riding at the top of their speed, dashing down J Street, might have been taken, had it occurred on the Plains, for a band of wild Comanches, but the little mail carrier paid no attention to them and kept in the lead. If there was one in the whole throng more conspicuous than the rest and who might have been taken for the chief of the tribe, it was Charles Crocker, afterwards so prominently associated with the great Pacific Railroad enterprise.

In his entertainingly written and richly illustrated book, *Beyond the Mississippi*—now not as well known as it deserves to be—Albert

D. Richardson has given a vivacious narrative of his "Life and Adventure on the Prairies, Mountains, and Pacific Coast" for the decade 1857-67. Of the pony express Richardson wrote:

> It was splendidly run, sometimes carrying letters from Atchison to Sacramento (about two thousand miles) in eight days. Once these modern Centaurs conveyed dispatches from St. Joseph to Denver (six hundred and twenty-five miles) in two days and twenty-one hours. The last ten miles was accomplished in thirty-one minutes.
>
> The posts were twenty-five miles apart, and the steeds small, fleet, hardy Indian horses. The rider kept his pony on the full run, and when he reached a new station—whatever the hour of the day or night—another messenger, ready mounted and waiting, took the little mail-sack, struck spurs into his steed, and was off like the wind.

From the St. Joseph *Democrat* is quoted this lively and informing description:

> Take down your map and trace his foot-prints from St. Joseph on the Missouri to San Francisco on the Golden Horn—from the last locomotive to the first steamship—two thousand miles—more than half across our boundless continent. Through Kansas, through Nebraska, by Fort Kearney, along the Platte, by Fort Laramie, past the Buttes, over the Rocky Mountains, through canyons, along the steep defiles—Utah, Fort Bridger, Salt Lake City,—he witches Brigham with his swift ponyship. Through valleys, along grassy slopes, into the snow, into the sand, faster than Thor's Thialfi; away they go! rider and horse, did you see them? They are in California, leaping over its golden hills, treading its busy streets. The course has unrolled the great American panorama, and allowed us to glance at the future home of a hundred millions of people. He has put a girdle round the earth in forty minutes. Verily his riding is like the riding of the son of Nimshi, for he rideth furiously. Take out your watch. We are eight days from New York, eighteen days from London. The race *is* to the swift.

The leading facts regarding the Pony Express are now well known and hence require but brief recital here. Full equipment comprised 190 stations, 420 horses, 400 stationmen, and 80 riders. The youthful riders were the "pick of the frontier," lithe of body and of light weight, carefully selected with a view to delivering the mail, and not to shooting Indians. Though well armed with pistols and knives, as well as undoubted reputation for courage and intrepidity, Colonel Alexander Majors had decreed that they might go gunning for red skins only when off duty; "but when they were on the job they were supposed to run rather than fight." Their salaries averaged from $100 to $125 a month. Consummate vigilance and agility were qualifications demanded by their duties.

Letters carried by the pony riders were written on the thinnest of paper, but even so the rate of postage was at first $5.00 per half-ounce letter. The rate, however, was afterward reduced to $1.00. The small pouches never weighed more than 20 pounds each. On the average each man rode about 30 miles, with three relays of horses. But emergencies were not infrequent, and many a strenuous service is on record.

William Cody ("Buffalo Bill"), who is said to have entered his career as a rider when but a lad of 14, is credited with a continuous ride of 384 miles—a mark that was never equalled. Another star among the riders, Jim Moore, a fine specimen of physical manhood, on one occasion made a continuous ride of 140 miles from Midway Station to old Julesburg, where he was compelled to take the place of his partner, whom he found in bed, unable to ride; therefore, after a delay of only 10 minutes, he leaped into the saddle for the return trip of 140 miles eastward. For this performance Ben Holladay presented him with a gold watch and a special certificate. "Bill" Cates, who had the distinction of carrying the last Congressional message of President Buchanan (December, 1860) and President Lincoln's inaugural address the following March, is reported on one occasion to have been chased by a band of Arapahoes and Kiowas on the run between Leavenworth City and Fort Riley. For narrow escapes "Pony Bob" Haslam probably held the record—it was his task to carry dispatches through hostile territory after the outbreak of the Pai-Ute War in the Territory of Nevada.

The list of well known riders includes "Bill" James, a Virginian, who covered his round trip of one hundred and twenty miles in Nevada in 12 hours, including all stops, and who at the age of 18 was rated as one of the best riders in the service; Jack Keetley, whose stellar performance is described in a letter as being "the longest ride without a stop, only to change horses. It was said to be 300 miles, and was done a few minutes inside of 24 hours;" Don Rising, who on two occasions, while carrying important dispatches between Big Sandy and Fort Kearney, is said to have kept up a continuous speed of 20 miles an hour; Alex. Carlyle, who made the initial ride out of St. Joe on the establishment of the line, in April, 1860; "Mel" Baughn, Johnny Frey, Jay Kelley, and "Dock" Brink.

About ten years before these lines were written Louis Dean, believed to be the last surviving Pony Express rider, died in San Francisco, at the age of 76. His widow related one experience which, she said, always remained with Mr. Dean.

> It was more than in impression. It was a tragedy indelibly printed on the mind of an impressionable young man. At one of the 25-mile apart stations, where fresh horses were supplied, he rode up to find the several scalped heads of the three occupants of the little cabin stuck on poles around the smoking embers of the building, corrals and hay supply. There was no one to tell how it had been done. . . . The mutilated heads told the story.

With the completion of the Pacific Telegraph in October, 1861, the Pony Express quietly passed out of existence, and the little army of riders and stationmen were quickly absorbed in other pursuits. The enterprise had not proved financially profitable—indeed, it is claimed that it was never expected that it would be a paying investment. Jack Keetley declared that its object was "to show the authorities at Washington that by way of Denver and Salt Lake to Sacramento was the shortest route.

and the job worked successfully." The Pony Express proved to be a great advertiser of the central route to the end of securing a contract for the daily stage coach service, which was established in July, 1861.

In any event, the Pony Express proved to be of no slight importance to the commercial interests of the great West; it served as an invaluable aid in keeping California loyal to the cause of the Union, and it blazed the way for the first transcontinental railroad. Finally, to employ the words of Glenn D. Bradley, "It marked the supreme triumph of American spirit, of God-fearing, man-defying American pluck and determination—qualities which have always characterized the winning of the West."

Therefore, while we hail with gratitude the coming of the electric telegraph, the steam railroad, the swift moving automobile and the wonder craft of the air, we sympathize with the sentiments experienced by Californians of an earlier day because of the passing of the Pony Express. For three days in September, 1923, San Francisco turned aside from her usual activities to revive the sentiments and commemorate the deeds of those plucky young riders, whose "coyote yell" was a voice resounding o'er desert and mountain, "Blazing the westward way." The conditions of 1860 were re-established, as nearly as possible, for one memorable trip from St. Joseph to San Francisco.

> The courage that was theirs may Time make stronger,
> As now the new romance begins its reign,
> And high above the trail they take no longer
> Flashes the aeroplane.

Mention has been made of the electric telegraph in California. The extension of the telegraph wires across the Great American Desert and the forbidding mountain ranges into California was an early dream of man's fertile imagination. What may now be regarded as a remarkable prophecy is set forth in that illuminating book, *A Tour of Duty,* written by Joseph W. Revere and published in 1849. We quote a paragraph:

> There is another suggestion I would make, at the risk of being deemed visionary; and that is, the extension of the MAGNETIC TELEGRAPH, with all convenient speed, from St. Louis to San Francisco. A million of dollars would probably pay the expense of a first-rate telegraph, with heavy wires of galvanized iron, . . .As a means of commmunication, not only with thousands of our countrymen in Oregon and California, but also with our vast and growing commerce in the Pacific and in Asia, the value of this telegraph can hardly be appreciated. It would not only be used by ourselves, but also by the agents of all nations having commercial relations with the Pacific and Asia. But it would principally benefit our own commerce, enabling us to take immediate advantage of fluctuations in the Eastern markets, and eventually to command those markets, and almost monopolize the trade of China and the East Indies.

In 1853, only nine years after the first line was constructed in the country, messages were flashed between Marysville and San Francisco.

Three years later the Northern California Telegraph Company built a line from Marysville to Eureka.

Plans for a transcontinental line were projected in 1858, and work was begun by two rival companies. The Pacific-Atlantic Company pushed to the southward along the Butterfield overland route *via* San José, reached Los Angeles in 1860. A central line, started by the Placerville-Humboldt Company, reached Carson City, Nevada, early in 1859 and a little later, Fort Churchill. The California Legislature offered a stimulus in the form of a bonus of $6,000 a year to the company which would first complete the overland line. Neither of the rival companies won this prize; both merged into the California State Telegraph Company.

On October 8, 1860, the line was completed which connected San Francisco and Los Angeles. At eight o'clock in the evening the mayor of Los Angeles sent to the mayor of San Francisco this message:

> Allow me, on behalf of the citizens of Los Angeles, to send you greetings of fellowship and good feeling on the completion of the line which now binds the two cities together.

There was great rejoicing over "beating the Pony Express" when, in February, 1861, dispatches were received on the Butterworth Overland Mail and telegraphed from Los Angeles to San Francisco.

Meanwhile the Western Union Telegraph Company in the East had obtained control of the Morse patent invention, and henceforth rapidly became the strongest rival in the field. One by one the other companies leased their lines to the Western Union, or even merged with it. Much of the credit for constructing the first line to the Pacific Coast belongs to Hiram Sibley, whose tireless, energetic, and wise course proved instrumental in securing the passage through Congress, on certain conditions, of an annual subsidy of $40,000 for a ten-year period, and a quarter section of land for every fifteen miles of line.

Another prominent figure was Jeptha H. Wade, who succeeded in bringing about the consolidation of the four lines then in California and securing a concession of $100,000 from the State to assist in the work. Between the California State Telegraph Company and the Western Union Telegraph Company an agreement was finally reached to the effect that they should extend their lines eastward and westward, respectively, to Salt Lake City, and there unite. The next step was the incorporation (in Nebraska), January 11, 1861, of the Pacific Telegraph Company with a capital stock of a million dollars, for the purpose of carrying out the contract of the Western Union; while the Overland Telegraph Company, with a capital stock of a million and a quarter, was organized in San Francisco to carry out the obligations of the California Telegraph Company.

The task of deciding the question of route was committed to Edward Creighton, a well known builder. He recommended the selection of the route from Omaha to Salt Lake City *via* Fort Kearney, Laramie, South Pass, Forts Crittenden and Churchill, across the Sierra Nevada Moun-

tains to Sacramento and San Francisco. Mr. Creighton was given the building contract for the eastern section, while James Gamble, efficient builder of the first California line, was placed in charge of the work in the West.

Incredible as it may seem, the gigantic task was completed in a little more than four months—western spirit and western energy had again achieved the seemingly impossible. The first message flashed across the continent over the wire is very significant, and is as follows:

San Francisco, Cal.,
Oct. 24, 1861 7:40 P. M.

To his Excellency, the President,
Washington, D. C.

I announce to you that the telegraph to California has this day been completed. May it be a bond of perpetuity between the States of the Atlantic and those of the Pacific.

(Signed) Horace W. Carpenter,
President Overland Tel. Co.

Little could one imagine, in those days, that within twenty-one years the telephone would be introduced into California,—much less that in the memorable year 1915 it would be possible for a citizen in San Francisco to hold actual converse by telephone with another in New York City.

At this point it will be appropriate to give an account of the unfolding of the idea and actual construction of the Panamá Railroad, an interesting enterprise quite generally neglected by historians of California.

Charles V had early taken interest in the subject of transportation and communication across the Isthmus, hoping for the discovery of a connecting strait. In the course of time Panamá and Tehauntepec routes had been opened and lucrative trade developed.

For three centuries no actual progress was made toward establishing maritime communication from the Atlantic to the Pacific. In the course of his visit to New Spain Baron von Humboldt evinced great interest in the subject, and his publications were widely read. Spain was aroused to renewed activity in 1814, but this proved to be merely spasmodic, and with the establishment of independence of the last of the Central and South American provinces in 1823, Spain forever lost the opportunity of undertaking such an enterprise.

In 1827 Mr. J. A. Lloyd received from President Bolivar of Colombia a commission to survey the Isthmus, with a view to ascertaining the most practicable line of communication, by road or canal. There was no other result to this than to prove that some kind of good roads across the Isthmus was practicable.

The next important step was the granting in 1835 of the privilege to construct a canal to Count Charles de Thierry, an Englishman by birth. Being unable to carry out his plans, the project was taken over by French capitalists. By this time the means under consideration included a canal, a railway, or a macadamized road. After several years of rather

fruitless endeavor, the French project was abandoned and the concession forfeited.

By the terms of the Clayton-Bulwer Treaty of 1850, it was agreed that the United States and Great Britain would encourage such persons as might commence a ship canal across Nicaragua, forbidding the exclusive control by either party. With this treaty foreign isthmian projects came to a close.

Thus during the period from 1827 to 1850 canals or railroads had been projected by Mexican, Dutch, French, and British companies. Henceforth American projects will engage our attention. It should be remarked that on account of the Monroe Doctrine the construction of an isthmian canal or railroad without reference to the interests of the United States became increasingly improbable. As an indication of American interest, Charles Biddle's mission brought out an extended Congressional report in 1839, in which the value of the canal was fully recognized.

Several resolutions were offered, but not until 1846 was any important action taken. A treaty was entered into with New Granada, which provided that in return for free and uninterrupted right-of-way across the Isthmus the United States should guarantee to New Granada, for twenty years, the neutrality of the Isthmus and the territorial sovereignty of that State. This was a notice to the world that there must be no interference to the United States in crossing the Isthmus of Panamá for twenty years.

The Oregon Question was settled in 1846, two years later California was finally acquired by virtue of the Treaty of Guadalupe Hidalgo, and almost simultaneously came the gold discovery which was the signal for the great rush to the West. With the oncoming of the pioneers, the Panamá route immediately took on a new and more significant aspect.

In 1848 Congress authorized contracts to be entered into for the establishment of two mail lines of steamships, the first from New York and New Orleans to Chagres, the second from Panamá to San Francisco and Oregon. Mr. John L. Stephens, an engineer of experience, decided, after investigation, that a railroad was entirely feasible. A concession quickly followed which carried with it a gift of 250,000 acres of lands, an Atlantic and a Pacific port, and a forty-nine year contract. The entire work was to be completed within eight years, the sum of $120,000 to be deposited at the beginning, to be refunded with interest on completion of the road.

The Panamá Railroad Company was incorporated April 7, 1849, with a capital stock of $1,000,000 and the privilege of increasing it to $5,000,000. The Pacific terminus was located at the city of Panamá and the Atlantic terminus at Navy Bay. The character of the country through which the railroad was to be built presented colossal difficulties, now well understood. The native town of Gorgona on the Chagres, thirty miles from the Atlantic, was selected as a starting point, since it was believed that the river was navigable to this point and therefore with the completion of the Pacific section traffic could at once be established. It was soon

demonstrated, however, that steamboats could not be used, and that even the use of native canoes involved great labor and severe exposure.

By this time Panamá was swarming with emigrants bound for the California gold fields. The conditions under which the original contract was entered upon were entirely changed. Necessary concessions having been made, a small force of laborers began work in May, 1860. In July fifty more laborers were added. But numbers were taken down daily with malarial fever and all were the victims of the pitiless mosquitos: progress in cutting their way through mangrove stumps and tangled vines was incredibly slow, and more men became a necessity. Even when the employees numbered nearly four hundred, sickness sent half of them to the crude hospitals. Nevertheless construction went forward more rapidly; and by April, 1851, much of the road between the terminus and Gatun had been completed.

The affairs of the Company going badly, and the first million dollars of stock being completely spent, the directors felt compelled to meet the enormous expenses by using their individual credit. On February 2, 1852, the settlement about Navy Bay, up to that time without a distinctive name, was formally inaugurated as a city and given the name Aspinwall. By March the road was completed to Bujio Soldado, eight miles beyond Gatun, and passenger trains connected with the steamers. In early July the road reached Barbacoas, about twenty-three miles from Aspinwall. Nevertheless the difficulties were so great, and the ranks of workers were so thinned by sickness and death that the work faltered and for a time ceased altogether.

The directors, again taking the enterprise into their own hands, increased the working force rapidly, employing in all some 7,000 men drawn from all parts of the world. By January, 1854, the summit ridge was reached, thirty-seven miles from Aspinwall, leaving eleven miles before reaching Panamá. At midnight, January 27, 1855, and in the rain, the last rail was laid; next day a locomotive passed from the Atlantic to the Pacific, an event that signalized one of the outstanding achievements of the wonderful nineteenth century.

> "The entire length of the road," says Fessenden Otis, "was 47 miles, 3,020 feet, with a maximum grade of sixty feet to the mile. . . . Commencing at the city of Aspinwall, on Limon or Navy Bay, the Atlantic terminus of the road, the road skirted the western shore of the island of Manazanilla for about three quarters of a mile, then bent to the east, and crossed the channel which separates the island from the mainland at a point nearly central of the eastern shore of Navy Bay until it reached the small river Mindee, cutting off a bend of this river about one thousand feet from its mouth; then it stretched across the peninsula formed by this bay and the Chagres River up to the mouth of the River Obispo, one of its branches, seldom however following the tortuous course of that stream, but cutting across the bends, and touching it only at intervals of two or three miles. The line continued upon the right or easterly bank of the Chagres as far as Barbacoas (twenty-five miles from Aspinwall), where it crossed that river by a wooden bridge six hundred and twenty-five feet in length; from thence it

> followed the left band of the Chagres to the mouth of the Obispo River, thirty-one miles from the Atlantic terminus, leaving the native town of Gorgona on the left. After striking the Obispo, the line followed the valley of this stream to its head in the summit-ridge. The lower part of the valley of the Obispo, being crooked and bound in by precipitous hills, compelled the line to cross the stream twice within the first mile, when it passed the summit-ridge by a cut one fourth of a mile in length and twenty-four feet in depth, and then struck the head waters of the Rio Grande, which flowed into the Pacific Ocean. Following the left band of this stream, and descending by a grade of sixty feet to the mile for the first four miles, the line crossed the rivers Pedro Miguel, Maimtillo, and Cardenas, near the entrance into the Rio Grande; thence it stretched across the savannas of Corrisal and the swamps of Correndeu, and cut through a spur of Mount Ancon, leaving the main elevation to the right, and reaching the Pacific Ocean at Playa Prieta, the northern suburb of the city of Panama."

Daily service was established both ways, requiring at first from five to six hours for the trip, later reduced to three hours. Frequently as many as fifteen hundred passengers were carried in a single half-day. The sanitary conditions were greatly improved, especially by the filling in and draining of the adjacent swamps.

There is a frequently repeated report to the effect that the Panamá Railroad cost the life of a person for every tie that was laid. This is of course preposterous, since there were 150,000 ties, while the most authoritative statement places the total force of employees at 6,000 and the number of deaths at 835! The chief cause of death was malarial fever, the worst form of which was known as Chagres fever.

It is recorded that more than 400,000 passengers were transported over the road during the thirteen years ending in December, 1867, and that upwards of $750,000,000 in the form of precious metals was carried during the same period.

On the arrival of passenger steamships at Aspinwall, trains were dispatched at any hour; likewise on the steamship's arrival at Panamá, trains were dispatched for the Atlantic terminus. The regular rate for tickets was $25; children under twelve, half price.

As the construction of the Pacific Railroad progressed in the United States, the affairs of the Panamá Railroad went from bad to worse. Extortionate tariff rates drove away most of the California trade, there was trouble about a renewal of the franchise, and to cap the climax, came the tidings that the golden spike had been driven which connected the Union Pacific and the Central Pacific railways. After many vicissitudes, the directors were able to compel the French to buy them out at an extortionate price, in connection with the great de Lesseps canal project.

It is necessary to add only that when the United States bought out the French company in 1904, the railroad was also acquired—our first governmental system. Lying in the way of the canal, its rails were torn up, and the building of the present road finally completed in 1912. The present Panamá Railroad is among the best equipped and most efficient in the world.

CHAPTER XXIX

THE CENTRAL PACIFIC RAILROAD

The thought that sometime a railroad would be built across the continent,—perhaps it would be more accurate to say dream,—seems to have occurred to a few men as early as 1832 and 1833. In the *American Railway Journal* for 1836, there is an item concerning "An Atlantic and Pacific Railroad"—an item of special interest as being one of the earliest definite expressions of the Pacific railway idea.

It was recorded that in 1838 Lewis G. Clark thus wrote in the *Knickerbocker Magazine*:

> There will yet be built a railroad from the Atlantic to the Pacific. Let the prediction be marked, for the work will be accomplished. The great chain of communication will yet be made with links of iron 'long drawn out'. . . . The reader is now living who will make the trip.

In a memorial to Congress, presented in 1849, Doctor Hartwell Carver claims to have been the first to conceive the plan for a railway to the Pacific. He states that as early as 1837 he had spoken and written on the subject, presenting several sworn statements in support of his claim.

In 1845 Asa Whitney uttered this bold prophecy regarding railway building:

> You will see that it will change the whole world, allow us to traverse the globe in thirty days, civilize and Christianize mankind, and place us in the center of the world, compelling Europe on one side and Asia and Africa on the other, to pass through us.

The editor of the *American Railway Journal* said, in the same year: "We meet this magnificent project in almost all our exchange papers." Similar expressions from other sources, made previous to 1850, are by no means uncommon.

In his memorial to Congress in 1845 Mr. Whitney presented a scheme for a railway from Lake Michigan to the mouth of the Columbia. He spent much time and money in the earnest advocacy of his proposals. In the following year George Wilkes presented a memorial seeking measures for the construction of a national railway from the Missouri River to the Pacific. Thus Wilkes was the first man to propose definitely to Congress and to advocate the building of a Government railway to the Pacific. Senator Thomas H. Benton passionately pleaded that the great line

> be adorned with its crowning honor, the colossal statue of the great Columbus, whose design it accomplished, hewn from the granite mass of a peak of the Rocky Mountains, overlooking the road, the moun-

> tain, itself, the pedestal, and the statue a part of the mountain, pointing with outstretched arm to the western horizon, and saying to the flying passenger, "There is the East! There is India!"

Senator Rusk of Texas in a letter to the Philadelphia Railroad Convention, in 1850, referred to the Pacific Railway as the "Colossus of Rhodes"; and another dignified senator, with less originality, afterwards referred to it in the course of debate as the "Colossus of Rail-Rhodes!"

In the spring of 1850, according to D. K. Minor, writing in the *Alta California*, the average expense of getting to California was $400 in money and 120 days of time—or, "making for 50,000 persons in a year an expenditure of time equal to 600,000 days, or 164 years! and of *twenty millions* of money." By railroad, he pointed out, the trip might be made in 20 days, for $150, "or a total saving of 500,000 days for labor and $12,500,000 of capital to work with here." This was made the basis of an appeal of people in California to eastern friends to advocate congressional action.

On the other hand, objections were urged to the plans of Whitney and others as involving costs and difficulties of construction that were considered prohibitive, as calling for huge land grants that would amount to "colossal robbery," and as advocating routes that were far inferior to others that should be substituted. People were inclined to look upon the railroad enthusiasts as pure visionaries, or persons holding "crazy notions"; but more serious than this, in the long run, was the long-sustained disagreement on the difficult and perplexing question as to the selection of the best routes. After 1850 it was regarded as a forgone conclusion by some that the terminus of the road should be in California rather than in Oregon. This situation was a natural consequence of the great gold rush.

By the mid-century year 1850 the idea of a railway to the Pacific had become somewhat generally accepted in the inner circles, though it was still looked upon by many persons in California as nothing short of a wild dream. In his *Congressional History of Railroads* Professor Lewis H. Haney says:

> It was clear that the construction of a railway to some point on the Pacific Coast was generally accepted as a work of the near future by the close of the first half of the nineteenth century.
> . . . In the debates over the various plans the question had come to be not, is a railway to the Pacific feasible, but, what means for constructing such a railway shall be adopted and what route pursued.

Development of railway technic, especially between 1840 and 1850, made possible the serious consideration of the practical questions involved in the many-sided problem of meeting the insistent demand for better transportation between the East and the West.

With these well-nigh interminable debates in Congress we are not now greatly concerned. It is not at all difficult, in the light of subsequent development, to understand that members of Congress had had no experi-

ence commensurate to the demands of the colossal problem of constructing a transcontinental railroad, and that it was quite inevitable that they should mingle passion and interest with reason and judgment in those days of ominous strife.

Should the project be under extensive government control, or should a hands-off policy be pursued? Or, should the road be built and operated by the Government outright? What was the correct policy with reference to financial encouragement and direct subsidies to insure the consummation of the huge enterprise? What was the extent and nature of the land grants that would prove most advisable? Long did Congress wrestle with these many-sided problems; and little does it avail in our day to entertain only sentiments of unmitigated condemnation for the way they were settled.

Meanwhile, California was not to remain wholly without railway facilities. The first railroad to be put into actual operation within her borders was known as the Sacramento Valley Railroad, a short line of about twenty-four miles between Sacramento and the town of Folsom. This road was opened auspiciously on Washington's Birthday, 1856, thus marking the dawn of a new industrial era for the Golden State.

But what route should be followed for the Pacific Railroad? This was one of the most puzzling of all the difficult problems. A southern route was warmly advocated as early as 1852 by southern interests—but the proposal came to nothing. Senator Gwin attempted to satisfy conflicting sectional interests in a bill proposing a main line from Fulton, Arkansas, to San Francisco, with branches to Dubuque, St. Louis, Memphis, New Orleans, and Matagorda, and an Oregon branch northward from California.

After much fruitless debate, an appropriation of $150,000 was voted in 1853 to make explorations and surveys for determining the "most practicable and economical route between the Mississippi and the Pacific." Months ran on into years, and the goal of an actual, completed railroad to the shores of the Pacific seemed at times as distant and visionary as ever. Nevertheless forces were incessantly at work beneath the surface that pointed inerrantly to the construction of the road,—the logic of facts and the steady trend of American history could not be overcome either by indifference or by transient political objections.

In the meantime certain influential proponents of the great project were by no means idle. Among these a prominent place must be accorded to Horace Greeley, staunch editor of the New York *Tribune,* who in the summer of 1859 made an overland journey from New York to San Francisco, largely in the interest of this particular enterprise. His delightful book, which is composed of letters to his own paper, concludes with a memorable chapter on "A Railroad to the Pacific." The query, "Is there a national need of a railroad from the Missouri to the Pacific," is examined from the several standpoints of national patronage, military

significance, transportation, political necessity and social, moral, and intellectual importance. Likewise the questions of practicability, cost, location, and ways and means are studied. The chapter closes with this powerful but characteristic appeal:

> Men and brethren! let us resolve to have a railroad to the Pacific—to have it soon. It will add more to the strength and wealth of our country than would the acquisition of a dozen Cubas. It will prove a bond of union not easily broken, and a new spring to our national industry, prosperity and wealth. It will call new manufactures into existence, and increase the demand for the products of those already existing. It will open new vistas to national and to individual aspiration, and crush out filibusterism by giving a new and wholesome direction to the public mind. My long, fatiguing journey was undertaken in the hope that I might do something toward the early construction of the Pacific Railroad; and I trust that it has not been made wholly in vain.

The outbreak of the Civil War brought the feeling of necessity for better connection with the Pacific Coast to a focus and induced Congress, by the memorable act of July 1, 1862, to make large grants in favor of the Pacific Railroad. Even these, however, proved to be an insufficient inducement to the capitalists until they had been doubled by the amendments of 1864. The Civil War likewise definitely put an end to the prospect for a southern route. Indeed, it may be said that the most convincing arguments favoring actual construction had come to be military and political rather than purely commercial.

In the meantime the Central Pacific Railroad Company had been organized on June 28, 1861, with Leland Stanford chosen as president; Collis P. Huntington, vice-president; Mark Hopkins, treasurer; and James Bailey, secretary. It remained for the enthusiasm and courage of chief engineer Theodore D. Judah to plan and carry into effect the engineering ideas that should put to final rout the jeers and ridicule heaped upon the "crazy notion" of building a railroad over those mountains! Judah labored incessantly for the financial support of capitalists, which was sorely needed. Failing to secure the encouragement he sought in San Francisco, he went to Sacramento, where he was strongly backed by Lauren Upson, editor of the *Union,* who had been joined by Greeley in his ardent advocacy of the railroad. For many months the issue seemed to hang in the balance. It must be conceded that in very generous measure, it was due to the fire and the brains of Judah, the young but virile engineer, that the construction of the road was actually inaugurated; yet unfortunately he was not permitted to live to behold the realization of his dreams, for we must record his death in the autumn of 1863.

Thus, for good or for ill, the construction of the first trans-continental railroad, while doubtless excessively aided by the Federal Government in the light of restrospection, was left to be constructed by private initiative. In this great work Stanford, Huntington, Crocker and Hopkins will always be remembered as the "Big Four." Lincoln advocated the road

both as a military necessity and as a means of holding the Pacific Coast in the Union. The name itself is explained from the belief that the Union Pacific would bind the Union together—the maintenance of the Union was at that time the chief concern of the nation.

The Eastern terminus of the Union Pacific Railroad was established by President Lincoln on the east side of the Missouri, that is at Council Bluffs, Iowa, although it is usually regarded as being at Omaha, Nebraska. From this terminus it was to build westward. The Central Pacific was to build eastward from Sacramento, the capital city of California.

Actual building operations were begun at Sacramento in 1863. The natural obstacles that presented themselves were huge. The Central Pacific was compelled to have machinery and supplies sent to California *via* Cape Horn or Panamá, at enormous expense of time and money. The Union Pacific must drag its ponderous materials overland from the Iowa terminals, or depend on the river boats of the Missouri. The greater part of the route to be traversed was not only in a new and uninhabited region without foundries, machine shops, or other conveniences, but likewise through desert, or mountainous country, which presented almost inconceivable difficulties to engineer and workmen alike.

If the Sierra Nevada Mountains presented a barrier more serious than any known to previous railroad building, they at least bounteously supplied the Central Pacific with timber for ties, trestles, and the long stretches of snow sheds, a resource that was sadly lacking to the Union Pacific, over the wide expanse of western prairie.

The first stretch of eleven miles of the Union Pacific was completed by September 25, 1865; and on October 5, of the following year, the total mileage was two hundred and forty-seven miles. The first construction work on the Central Pacific had antedated that on the Union Pacific by more than a year. By September, 1865, the road extended fifty-six miles eastward from Sacramento,—that is, far up into the Sierras.

For labor the Central Pacific depended chiefly upon thousands of Chinese "coolies," imported for that special purpose, while Irish immigrants proved to be the main reliance of the Union Pacific. After Lee's surrender at Appomattox in 1865, many discharged soldiers followed the impulse to go West, and naturally found employment in railway construction. The last months of the construction period found as many as 25,000 workmen employed. It was during this period that tremendous slaughter of the American bison took place, for buffalo meat was extensively used by the construction forces and buffalo robes were everywhere in demand. With the approach of the iron horse it was not to be long till the thundering herd should vanish from the great western plains.

Everything proceeded with military precision. The description found in a newspaper of the day reflects something of the animation of the scene along the line of construction:

> The whole organization . . . is, in fact, semi-military. The men who go ahead, locating the road, are the advance-guard. Following them is the second line, cutting through the gorges, grading the road, and building bridges. Then comes the main line of the army, placing the sleepers, laying the track, spiking down the rails, perfecting the alignment, ballasting, and dressing up and completing the road for immediate use. This army of workers has its base, to continue the figure, at Omaha, Chicago, and still farther eastward, from whose markets are collected the materials for constructing the road. Along the line of the completed road are construction-trains continually pushing forward to "the front" with supplies. . . . The road is graded a hundred miles in advance. The ties are laid roughly in place, then adjusted, gauged, and levelled. Then the track is laid.
>
> Track laying on the Union Pacific is a science. . . . On they came. A light car, drawn by a single horse, gallops up to the front with its load of rails. Two men seize the end of a rail and start forward, the rest of the gang taking hold by twos, until it is clear of the car. They come forward at a run. At the word of command the rail is dropped in its place, right side up with care, while the same process goes on at the other side of the car. Less than thirty seconds to a rail for each gang, and so four rails go down to the minute! . . . The moment the car is empty it is tipped over on the side of the track to let the next loaded car pass it, and then it is tipped back again, and it is a sight to see it go flying back for another load, propelled by a horse at full gallop at the end of sixty or eighty feet of rope, ridden by a young Jehu, who drives furiously. Close behind the first gang come the gaugers, spikers, and bolters, and a lively time they make of it. It is a "grand anvil chorus" that those sturdy sledges are playing across the plains. It is in triple time, three strokes to the spike. There are ten spikes to a rail, four hundred rails to a mile, eighteen hundred miles to San Francisco, twenty-one million times are those sledges to be swung, twenty-one million times to come down with their sharp punctuation, before the great work of modern America is complete.

As the gap between East and West rapidly narrowed, the spirit of rivalry between the "armies" of the Union Pacific and the Central Pacific grew in intensity. It was a friendly battle of the giants. The world's record in railroad building for one day was established April 29, 1869, when between daylight and dark the forces of the Central Pacific, under the brilliant leadership of Charles W. Crocker, laid 185 feet more than ten miles of track.

The gap grew less and less, while the spirit of rivalry between the Union Pacific and the Central Pacific grew more and more intense. Under the amendatory act of 1864, every mile meant a prize of many thousand dollars for the contending giants. From Omaha the stretch of 305 miles finished and operated by January 1, 1867, was augmented by 240 miles during that year and 425 miles during 1868. In 1867 the Central Pacific built 46 difficult miles, while 1868 saw 363 miles completed. The early months of the memorable year 1869 closed the gap forever,—the Union Pacific added nearly 125 miles, while the Central Pacific covered 186 miles, and the final junction was effected at Promontory Point, Utah, 1086 miles from Omaha and 689 miles from Sacra-

mento. By joint resolution Congress decreed that at Promontory Summit "the rails shall meet and connect, and form one continuous line."

We may well be reminded here that by the time of the actual completion of the Pacific Railroad both the New York Central and the Pennsylvania Railroad had effected through connections with the thriving city of Chicago. Railroad construction was going forward at a rapid rate throughout the East.

A great day in the annals of California was the 10th of May, 1869. It was on that day, on a desolate spot in Northern Utah, that in the presence of several hundred witnesses, including personages of importance in the political world as well as in business, the impressive ceremony was performed which united with bands of steel in indissoluble union the East and the West of the United States of America. The details of what occurred on that most significant and dramatic occasion are told in the classic description by John P. Davis:

> The last spike remained to be driven. Telegraphic wires were so connected that each blow of the sledge could be reported instantly in most of the large cities from the Atlantic to the Pacific; corresponding blows were struck on the bell of the City Hall in San Francisco, and with the last blow of the sledge a cannon was fired at Fort Point. General Safford presented a spike of gold, silver, and iron, as the offering of the Territory of Arizona; Tuttle, of Nevada, performed with a spike of silver, a like office for his State. The tie of California laurel was put in place, and Doctor Harkness, of California, presented the last spike of gold, in behalf of his State. A silver sledge had also been presented for the occasion. The driving of the spike by President Stanford and Vice-President Durant was greeted with lusty cheers, and the shouts of the six hundred persons present, to the accompaniment of the screams of the locomotive whistles and the blare of the military band, in the midst of the desert, found hearty and enthusiastic echoes in the great cities East and West.
>
> After the last spike had been driven, the Central Pacific train was backed up, and the Union Pacific locomotive, with its train, passed slowly over the point of junction and back again; then the Central Pacific locomotive, with its train, went through the same ceremony.
>
> The "driving of the last spike" was announced simultaneously by telegraph in all the large cities of the Union. . . . Wires in every direction were "hot" with congratulatory telegrams. . . . Business was suspended and the longest procession that San Francisco ever had seen attested the enthusiasm of the people. At night the city was brilliant with illuminations. Free railway trains filled Sacramento with an unwonted crowd, and the din of cannon, steam-whistles, and bells followed the final message. At the Eastern terminus in Omaha, the firing of a hundred guns on Capitol Hill, more bells and steam-whistles, and a grand procession of fire companies, civic societies, fraternities, citizens and visiting delegations from surrounding places echoed the sentiments of the Californians. In Chicago a procession four miles in length, a lavish display of decorations in the city and on the vessels in the river, and an address by Vice-President Colfax in the evening, were the evidences of the city's feeling. In New York, by order of the mayor, a salute of a hundred guns announced the culmination of the great undertaking. In Trinity Church the *Te Deum* was chanted

> and prayers were offered, and when the services were over the chimes rang out *Old Hundred,* the *Ascension Carol,* and national airs. The ringing of bells at Independence Hall and the fire-stations in Philadelphia produced an unusual concourse of citizens to celebrate the national event. In the other large cities of the country the expressions of public gratification were hardly less hearty and demonstrative.

The telegraphic dispatch announcing the event consummated conveyed this historic message: *"The last rail is laid! The last spike driven! The Pacific Railroad is completed!"* In San Francisco the celebration began, prematurely, on the 8th of May and continued practically without interruption through the 10th. At Sacramento the bells and whistles of thirty assembled locomotives led the general chorus of all the bells and whistles of the city in "one prolonged demonstration of joy." The same jubilee spirit was manifested in Chicago, New York, and other cities, while the ringing of bells at Independence Hall lent an air of national celebration to the demonstration in Philadelphia.

And right good cause had the people to celebrate! For in the completion of the Pacific Railroad there was accomplished what some have pronounced the "mightiest work of utility ever undertaken by man."

CHAPTER XXX

LOYALTY TO THE AMERICAN UNION

Among the American commonwealths that figured conspicuously in the great controversy concerning human slavery, California has an honorable—even enviable—official anti-slavery record.

Even among the aboriginal California Indians, we are informed, any form of slavery was rare, while hereditary bondage was unknown. It should be added, however, that it was a not uncommon custom among the men to gamble away wives and children, or sometimes to sell to other tribes. That virtual servitude among the Indians did actually exist, without reference to the Spanish missions, there can be no serious doubt. Moreover there is some evidence that during a considerable period of time, especially in the decade following the American conquest, it was not a very uncommon practice for certain whites to kidnap Indian children for the purpose of selling them into slavery, to be used in very limited numbers in domestic service. Nevertheless it remains true that among the original inhabitants of California there was no general or well-recognized system of slavery, whether we view them in their primitive state, under the tutelage of the missionaries, or under the American régime.

As is well known, slavery was definitely abolished by law throughout the territory of Mexico in the year 1829. From that date, strictly speaking, human slavery was never an institution having full legal standing in California. It would be inaccurate, however, to state as fact that slavery never existed at any time in California, or that no court of justice ever recognized the existence of slavery here.

When California came under the sway of the United States as conquered territory by virtue of the raising of the American flag in 1846, and as an integral part of our national domain by virtue of the Treaty of Guadalupe Hidalgo in 1848, she came in with no taint of slavery.

As we have seen, the American conquest of California was an act in the drama of the Mexican War, which was fundamentally concerned with the question of slavery extension. The possibility of introducing slavery was discussed almost from the moment when Sloat raised the Stars and Stripes at Monterey. The discussion was exceedingly one-sided, since practically everybody in California recognized that local conditions were distinctly unfavorable to the "peculiar institution." A single quotation from an editorial in California's first newspaper well illustrates this point. The *Californian* for June 19, 1847, says:

> There has already been much said in the United States on the subject of slavery in California and some warm discussion in Congress: it is unfortunate for them that they know so little of the wishes of the people who are here, and of the climate and location of the country.
>
> On a former occasion, speaking on that subject, we stated that not one in a hundred would be in favor of the introduction of slavery here. We have since conversed with a great number of persons and have not found one who was not bitterly opposed to the measure. We cannot, of course, know who will come here, but we feel perfectly confident that if the warmest advocate for that institution were to reside for one year in California, he would change his notions, and if the subject at any future time is to be left to the people, they will decide against it almost unanimously. . . . We feel no hesitation in advising our friends at home, not to bring them (slaves) not only from the fact that this must in the nature of things, be a free state when it becomes a state but their slaves would be worth nothing if they could hold them. . . .

Even before the gold rush it was pointed out that neither the soil, nor the climate, nor the production of any portion of California was adapted to slave labor; also that property in human slaves would be utterly insecure here. The strong feeling is reflected by the editor of the *California Star* when he wrote:

> While we sincerely entertain these views, and value the union with the United States as highly as we should, the simple recognition of slavery here would be looked upon as a greater misfortune to the territory, than though California had remained in its former state, or were at the present crisis abandoned to its fate. . . . we believe, though slavery could not be generally introduced, that its *recognition* would blast the prospects of the country. It would make it disreputable for the white man to labor for his bread, and it would thus drive off to other homes the only class of emigrants California wishes to see, the sober and industrious middle class of society. We would therefore on the part of ninety-nine hundredths of the population of this country, most solemnly protest against the introduction of this blight upon the prosperity of the home of our adoption. We should look upon it as an unnecessary moral, intellectual, and social curse upon ourselves and posterity.

Mention has been made of the discussion of slavery in the Constitutional Convention of 1849. The vast national significance of the adoption of Shannon's resolution prohibiting slavery has been pointed out. Even at the time it was perceived by the prescient few, among them the Reverend Samuel H. Willey, devoted chaplain of the Convention. This pioneer preacher said, in his *Thirty Years in California:*

> It was a good Providence that brought on the determining of that question then, and fixed it as a fundamental principle of our organic law, not to be changed by any chance majorities of the hour. Because, when the great reactionary effort at the East, after the death of President Taylor, set the great political current to flowing in the opposite direction, we felt it here. It almost took us off our feet, Constitution and all. Federal officers and state officers were carried away by it, and joined together to find some way to reverse that great decision. If it had not been for the bulwark of that Constitution, I think that that

> conspiracy would have been successful, in spite of all that could have been done to hinder it. It is another of those many instances in which California has been saved, but by the narrowest escape.
>
> To my mind, the 7th of July, 1846, and the 10th of September, 1849, are the two most important days that have ever been seen on this coast. The former, on account of the raising of the United States flag, and the latter for determining that that flag shall here wave only over freedom.

The final admission of California into the Union as the sixteenth free state forever overthrew the equilibrium between South and North. Midway of the century, here was an event of commanding and far-reaching importance in American history. Mr. Calhoun was one of the first to read the handwriting on the wall, and Mr. Seward is said to have used these pregnant words: "The unity of this empire depends upon the decision of this day."

Relatively few negro slaves had been brought into California before the Convention of 1849. Speaking generally, the first political leaders in California, elected in November, 1849, were by no means abolitionists, as was manifested in San José, the temporary capital. Several protests were made against limiting the rights of slave owners. The census of 1850 shows nearly 1,000 negroes, while for 1852 the estimate is 2,200. Of these it is likely that a majority, or more than 1,100, were brought into California as slaves. It is certain that many continued in a state of slavery after the days of '49: few, if any, however, were to be found at the time of Lincoln's Emancipation Proclamation.

The California Fugitive Slave Act provided that slaves brought in before the date of admission might be reclaimed and taken back to slave states, being regarded as *quasi*-fugitive slaves. This act continued in effect *pro forma* till April, 1855. It foreshadowed the Dred Scott dicta. Since the legislature had failed to carry the constitutional inhibition into effect, California could not, prior to its admission, September 9, 1850, effectively declare slaves as free. Thus it is clear that there were bona fide slaves in California after admission; there were many slaves, in fact, whatever might have been their legal status.

Moreover, a movement was set on foot during the fall campaign of 1852 looking to the disruption of the state in order that slavery might be legally introduced south of the Missouri Compromise line. Of this we find in the Stockton *Journal* (February 15, 1853) the following:

> Our informant says that after the question was decided, those southern members who had introduced and supported it, entered into a secret understanding that, in the then ensuing fall elections (last November) representatives should be voted for only with reference to their sectional predilections or the States from which they came.
>
> The game, as is well known, provides for the creation of one state and two territories, one of the territories including San Joaquin and all the countries below us. . . . It will be borne in mind that slaves can be introduced into any territory of the United States below the Missouri Compromise. After we have been declared a Territory what is to prevent the immediate importation of thousands of negroes, before

> any new organization can be perfected? . . . There is no country in the world where slaves could be so profitably engaged as in California, and there are thousands of men waiting anxiously in Alabama and other Southern States for an opening by which they can introduce their negroes into this State. The telegraphic dispatch that announces the calling of a Convention will send scores and hundreds here to participate in the election.

The Fugitive Slave Law of 1851 was passed each year for several years, as the editor of the *Alta* exressed it, "to be used as a rod over the cringing backs of those who knew it to be wrong, yet dared not vote against it." This law was pronounced constitutional by the State Supreme Court, in a case involving three slaves and an order made that they be "redelivered into the custody of the claimant."

In some instances slaves that had been brought into California were given their freedom by process of a deed of emanicipation voluntarily executed by the master, though the exact number of such cases will probably never be known. Such a deed, found in the archives of El Dorado County, is here transcribed:

> Taylor Barton
> Negro Bob ('Emancipation')
>
> State of California)
> El Dorado County SS)
> Cold Springs Precinct
>
> Know all men to Whome these presents shall come That I Taylor Barton lately a citizen of the State of Missouri and owner of Slaves do by this instrument under my hand and Seal given this Ninth day of October in the Year of Our Lord Eighteen Hundred & Fifty One Set free from Bondage to me and all men my Slave Bob and do declare him forever hereafter his Own man Wherever he may Go Nevertheless I make this Condition that my Said Bob shall remain with me as my Slave faithful and obedient unto me until the twenty fifth day of December next Commonly Known as Christmas.
>
> Witness my hand & seal on the day & date aforesaid
> In the presence of Taylor Barton (S. S.)
> Wm F. Emerson December 25th 1851
>
> I do hereby declare my Slave Bob to be forever free from and after this date
>
> Taylor Barton (S. S.)
>
> In presence of
> I. G. Canfield J. P.
>
> Filed for Record
> Jany. 5th 1852 at 4 o'clock P. M.
> Jno. A. Reichert Recordr
> of Eldorado Co., Cal.

The growth of the negro population is illustrated by the statements of the Reverend Darius Stokes, who, in September, 1856, claimed that he had founded fourteen colored churches in California, and that the taxable property of the colored population of San Francisco was $150,000 (one-half its real value); moreover that $750,000 had been sent home from the State by negroes to purchase freedom for members of their families who were slaves. He instanced cases where "men had paid as high as $2,000 each for their companions who were enslaved, to gain their freedom, and

bring them to this State." One person, he averred, had purchased eight of his children and had paid for them $9,000, having earned the money by washing.

The year 1860 was memorable in California, as it was throughout the length and breadth of our land. In the famous political contest of that year Abraham Lincoln received a plurality over Douglas and Breckenridge for the Presidency, whereas in 1852 Franklin Pierce, the Democratic nominee, had easily defeated his Whig opponent, and in 1856 James Buchanan, likewise a Democrat, had administered a most decisive defeat to Fillmore, of the American party, and Frémont, the Republican standard bearer.

The popularity of Lincoln in 1860 indicated that while the Democrats and men from the South had long enjoyed almost uninterrupted control over the politics of California, and secret movements had been started which were intended to swing California into the ranks of slave States, yet the majority of the people were loyal to the cause of American Union.

By this time there had been formed in California an anti-slavery party which, though not strong in numbers at first, contained on its roster many prominent names, such as Collis P. Huntington, Cornelius Cole, Mark Hopkins, Charles and Edwin B. Crocker, and Leland Stanford. David C. Broderick, United States Senator 1857-59, also made his influence felt against the "slave oligarchy" that dominated the State politics of the time.

Even more emphatic for loyalty than the election of Lincoln as President was the voice of the people of the State in the election of September 4, 1861—after secession had been voted in the South and the first sad scenes of civil strife had been enacted—when Leland Stanford, Republican, was chosen Governor by a plurality of more than 23,000 over McConnell, a Breckenridge Democrat.

The concentration of Union men resulting in the election of Stanford was most fortunate. It was held that if the Union vote had been so equalized between Stanford and Conness as to result in the election of McConnell there would certainly have been civil commotion in California. Trouble was looked for particularly in San Bernardino County, and it was reported that more than 2,000 men, in Los Angeles and San Bernardino counties, were "completely organized and ready to rendezvous at such places as their leaders may direct."

To Leland Stanford, "War Governor" of California, is due a generous measure of praise for the attitude of consistent loyalty maintained by the Golden State during the great Civil War.

Yet by no means did California escape temptations to disloyalty; for by open act and by secret intrigue did men endeavor to kindle the fires of secession. Before the inauguration of President Lincoln, there was talk of establishing a "Pacific Republic." Much of this talk was occasioned by John C. Burch, one of California's Representatives in Congress, who, doubtless under excitement, had written a letter to the San Francisco *Herald* before receiving the home election news, in which he urged the

people—in case the emergency arose—to "raise aloft the flag of the 'bear,' surrounded with the 'hydra'-pointed cactus of the western wilds, and call upon the enlightened nations of the earth to acknowledge our independence, and to protect us, the only 'waif,' from the wreck of our once noble Union—the youthful but vigorous Caesarean republic of the Pacific."

Northern men with southern sympathies had favored the formation of a new government on the Pacific Coast. Even Governor Weller had said:

> If the wild spirit of fanaticism which now pervades the land should destroy the magnificent confederacy—which God forbid—she (California) will not go with the south or north, but here upon the shores of the Pacific, found a mighty republic, which may in the end prove the greatest of all.

As early as a year before the actual outbreak of the war, the project for the creation of a Pacific Republic was enthusiastically advocated by certain newspapers and cities of prominence. The representatives of California in Congress favored the idea of neutrality for the State in the event of war. These were Senators Milton S. Latham and William M. Gwin and Representatives John C. Burch and Charles L. Scott.

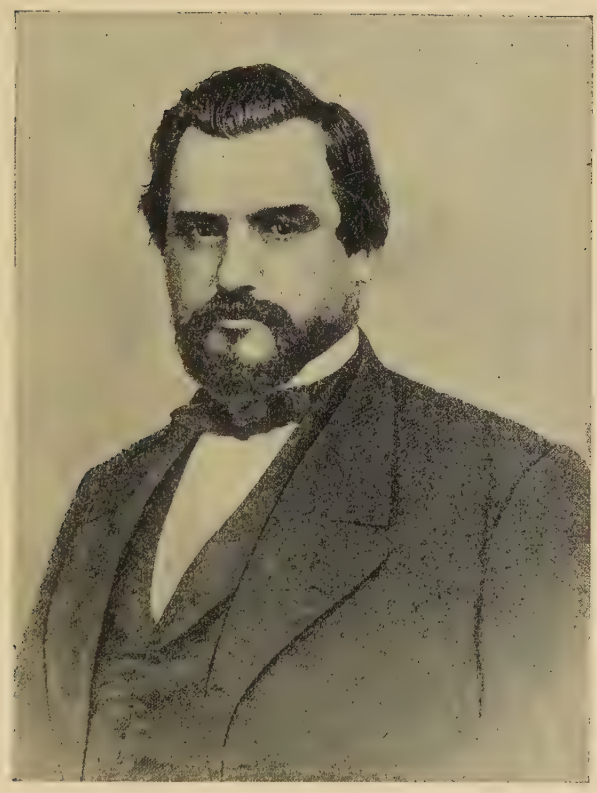
Every one of California's representatives in the national Congress was from the South. "The Federal patronage," wrote Mr. Horace Davis, "had been theirs up to the summer of '61; the State government was entirely in their hands; the commanding officers in the army and navy on this coast and the highest judicial functionary were all Southern men."

When a resident of Stockton named Duncan Beaumont hoisted a flag in January, 1861, intended to represent the Pacific Republic, the principal effect of his demonstration was a general hoisting of the Stars and Stripes throughout the city. The Union feeling was strong. Beaumont brought upon himself first laughter, then indignation, and finally ridicule. The project was emphatically condemned by the State Legislature, both branches adopting the following resolution, May 17, 1861:

> *Resolved by the Senate, the Assembly concurring,* that the people of California are devoted to the Constitution and Union now in the hour of trial and peril. That California is ready to maintain the rights and honor of the national government at home and abroad, and at all times to respond to any requisition that may be made upon her to defend the republic against foreign or domestic foes.

The Pacific Republic agitation was never a serious menace, and the project was soon given up.

At the commencement of the war the United States forces on the Pacific were under the able command of Albert Sidney Johnston, Brevet Brigadier-General. Johnston's loyalty, as a southerner, was the subject of some doubt; he was referred to as "a pronounced sympathizer with Secessionists." All the arms and munitions of war on the coast were controlled by him, and without doubt the hope was entertained by extremists that active encouragement would be lent to their brethren in the east, or at any rate it was felt that he "could be relied upon not to use his military authority against the rebellious states."



LELAND STANFORD

The story of an alleged conspiracy to betray California to the Confederacy gained much currency. Information that was deemed important was forwarded to Washington, which—it is claimed—resulted in the sending of Brigadier-General Edwin V. Sumner to relieve Johnston. It is further alleged that it was only the unexpected but timely arrival of Sumner and his insistence on Johnston's immediate relinquishment of command that saved California from being betrayed and perhaps lost to the Union. The fact is pointed to, moreover, that immediately on being relieved of his command Johnston did proceed at once, overland, to join the South, accepting a general's commission in the Confederate Army.

It should be stated, however, that the official correspondence reveals no evidence of the reality of any such conspiracy. In his communication to Colonel E. D. Townsend, dated at San Francisco Headquarters, April 28, 1861, Sumner said:

> General Johnston had forwarded his resignation before I arrived, but he continued to hold the command, and was carrying out the orders of the Government.

To this may be added a brief extract from a sketch of Johnston's life by Captain George F. Price:

> He was relieved from command by Brigadier-General Edwin V. Sumner, April 25, 1861, and thus was severed forever his connection with the United States Army. A dictionary of American biography charges him with having engaged in a conspiracy to surrender the State of California to the Confederation, the consummation of which was only frustrated by the timely arrival of his successor in command. No statement could be further from the truth. When he was informed that a plot existed to seize Alcatraz, he removed several thousand muskets from the Benicia arsenal, where they were greatly exposed, to the island, and then informed the Government that they could be used, if necessary, by the State militia to suppress insurrection.
>
> His integrity was so universally recognized that he was not approached upon the subject of establishing a Pacific republic, which was favored by many in the event of a dissolution of the national Union. . . . he declared that so long as he held his commission he would maintain the authority of the Government to the last extremity.

Captain Price's statement is supported by a letter written by Fitz John Porter to the editor of *The Century Magazine* and published in February, 1885, in which he declares that "the assertion that General Johnston intended to turn over to the secessionists the defenses of California, or any part of the regular army, was false and absurd. Under no circumstances, even if intended, could such a plan have succeeded, especially with the regular army." "But no such breach of trust was intended," continues the letter, "nor would any graduate of West Point in the army have committed or permitted it."

Nevertheless it will not be denied that when, on the day following his arrival, in accordance with his instructions dated March 23, 1861, Sumner issued an order definitely assuming command of the department, a great burden of uncertainty and suspense was lifted from the mind of many a loyal citizen. There is no gainsaying the fact that there was in

the delicate situation ample room for grave apprehension. While it may never be proved that Johnston had actually been guilty of conspiracy to turn California over to the South, it is well understood that he was surrounded by those who would scarcely have stopped at any measure that gave promise of such a consummation.

With the opening of hostilities in the East, Union celebrations and demonstrations of loyalty in all parts of California were frequent and impressive. On May 11, 1861, a day specially set apart for a Union celebration, the *Alta California* thus expresses the sentiment of the State:

> We have already quoted the language of a large majority of the newspapers of this State as unconditionally favorable to the Union. It is well known that all the Bell-Everett men, Republicans and Douglas Democrats, and many of the members of the late Breckenridge party, are hearty Union men. Both our United States Senators are sound on this great question, and our late Congressmen having proved unsound, are utterly repudiated and abandoned. In San Francisco and Sacramento, the commercial and political centers of the State, there is not a newspaper to openly justify secession. In most of the large towns, Union meetings have been held and Union clubs formed.

While many Californians desired, quite naturally, to maintain an attitude of neutrality, it became more and more clear that there were but two tenable positions, "for or against the government," and every man was called upon "to take his stand on one side or the other." California's ablest and most eloquent men went abroad throughout the State as missionaries of loyalty and patriotism. Thomas Starr King, Myron C. Briggs, Henry Edgerton and others gave unstintedly of their best efforts.

Resolutions of loyalty were enthusiastically adopted by mass meetings in many towns and counties. As an example, we have the following from Santa Clara County:

> *Resolved,* that as citizens of the county of Santa Clara, in the State of California, that we—ignoring all party relations—do solemnly pledge our lives, fortunes, and sacred honor to the support of the Constitution and the laws of the United States, under the administration of its legally constituted authorities; and we agree to hold ourselves in readiness, at all times, to respond to any calls of the government for its support.

It might seem that California would have held herself aloof from the struggles of the war so far distant from her borders. Happily she was well-nigh totally spared the horrors of actual warfare at home, but her interest in the strife was intense—and intensely American. This is accounted for by the character of her population, including many immigrants from the South and a large number of adventurers and more or less lawless spirits.

San Francisco, since its renovation by the Vigilance Committee of 1856, was the citadel of loyalty: the municipal government, though nonpartisan, was "sound to the core." Horace Davis has left us a personal account of the formation and purposes of the "Home Guard," concerning which so little is generally known. At the Panamá Conference of 1915 he said:

> Some time in the latter part of the summer, my friend, James Otis, afterwards mayor, asked me to go with him to a meeting of citizens in his office on Sansome Street, near Pine, that evening. About fifty men were there, but nothing was done. . . . So, as we filed out after an hour's empty talk, Otis whispered, "Follow me, but keep at a distance." To my surprise he turned north. I crossed the street and kept him in sight. We went on clear to Pacific Street, where we found the iron doors of Dewitt, Kittle and Company's warehouse ajar, and went in. A light was soon turned on in the inner office, and in a few minutes eight or ten men had gathered there.
>
> We quickly organized ourselves into a permanent committee of safety, to do what we could to put down secession and to keep California true to the Union. . . . We resolved to keep up our organization as long as it was needed, and for the present we determined that our meetings had better be secret. In point of fact, when the fall elections placed the government in safe hands, we dissolved our committee. It was a pretty strong body of men: Otis, John Kittle, Albert Diblee, Fitch of the *Bulletin*, General Lucius H. Allen, Rev. Thomas Starr King, C. J. Dempster, I think, and others whom I have forgotten. . . . We worked to elect a war governor who would do all he could to uphold the hands of Mr. Lincoln. Of the three candidates Stanford was the only one who filled the bill. . . . we urged every loyal man to declare himself, and we enrolled the friends of the government into a "Home Guard," which could be called on in case of necessity. Our purpose included only those who were not already enrolled in the militia or some other organization pledging them to an unqualified support of the Union. We were successful in all our points.

Manifestations of disloyalty on the part of many citizens were not far to seek. First, there were those who for a time openly advocated secession. We are informed that "from the Sixth Regiment alone, which belongs to the Department of the Pacific, fully a third of the officers have resigned since the inauguration of President Lincoln." Practically all left with the avowed intention of taking positions in the Confederate army.

In spite of resolutions of loyalty and the obvious futility of any attempt to establish a Pacific Republic, there were still many persons in California who sympathized with the South. As it became increasingly indiscreet if not actually dangerous openly to avow their sympathy or to commit overt acts of like tenor, expressions of disloyalty took different and more subtle forms. Chief among these was the organization of a number of secret societies, pledged to give aid to the Confederate cause.

The two secret organizations of prominence were the "Knights of the Golden Circle" and the "Knights of the Columbian Star." These were well organized throughout the State, with members numbering into the thousands. Their leaders were men of courage and talent, exercising unlimited control over the membership. A letter written by Adjutant-General William C. Kebbe to Major-General Halleck at Washington, under date of September 10, 1862, throws light upon the activities of these societies:

> It is represented and generally believed that there is a secret organization in this State, numbering from 20,000 to 30,000 men leagued together for the overthrow of our government, and whose purpose it is,

THOMAS STARR KING

> if an opportunity should favor the scheme, to carry the State out of the Union. These men openly boast that their sympathies are with the traitors of the South, and that they are continually defaming the government from which they receive protection, and whose benefits they enjoy. They take pride in preaching their traitorous sentiments among loyal men, and do much to discourage enlistments. Loyal citizens have now no protection from the insults of these men, many of whom are wealthy and influential, and United States soldiers have been shot down in the streets of our towns for protesting against the free use of disloyal sentiments in their presence, and probabilities are that the deserving shall go unwhipped of justice. The actions of this league are positive, and there is no immunity to loyal men in our community from insult and wrong.

It was naturally difficult to obtain authentic information regarding these societies, since the whole system was sedulously cloaked and guarded. Robert Robinson, Captain and Provost-Marshal, is authority for certain statements relating to "The Knights of the Columbian Star," including the following: the State had its governor-general; each locality its lieutenant-governor, assisted by a deputy. Large meetings were carefully avoided, only a few of the officers and trusted members getting together, initiating new members and planning activities. Robinson estimated that the two societies together in 1864 could control at least 50,000 men. Prospective war in California was talked about and plans were laid for resisting the law when they felt sufficiently strong.

Other and more open vehicles for the expression and propagation of secession sentiment were newspapers, public speeches, sermons and prayers from the pulpit, celebration of Confederate victories, and harangues in bar-rooms. Disloyal papers heaped vituperation upon Lincoln and the federal administration, and were keen to keep alive an active sympathy for the cause of the South. A Visalia paper, in December, 1862, denounced the President and his cabinet as "the most tyrannical and corrupt crew that ever polluted the earth with their presence." Brigadier-General Wright asked the postal authorities to forbid the transmission of the United States mails to the *Los Angeles Star, Stockton Argus, Stockton Democrat, Visalia Post,* and other newspapers, as disloyal and traitorous sheets.

So intense was the feeling in San Francisco at the time of Lincoln's assassination that five newspapers, offensive for their disloyalty, were destroyed by mob violence. In spite of local appearances, however, it must not be supposed that the number of disloyal papers was ever "relatively large, nor that they had always been able to express with impunity sentiments against patriotism or subversion of the government. The loyal papers, staunch and true, were always far more numerous, with wider circulation and greater influence. Prominent among these were such journals as the *San Francisco Evening Bulletin, Alta California, Sacramento Bee,* and *Sacramento Union.*

While there were many public speeches that were far from patriotic and really calculated to give aid and comfort to the cause of the Con-

federacy, it was, in most localities, indiscreet if not actually dangerous openly to avow sympathy for the Rebellion. Certain clergymen uttered disloyal sentiments from their pulpits—not always with approbation. As an extreme instance, it is related how the pastor of a prominent San Francisco church began deliberately and publicly to pray for all presidents and vice-presidents of the United States, thus arousing intense indignation. It is further related that on the following Sunday he found an effigy hanging in front of his church, with inscription to himself as "the reverend traitor," and a crowd of two or three thousand persons surrounding the place to hiss and hoot as he entered; and finally that he did not pray for *both* presidents that day but did, a few days later, resign his pastorate and take leave of the State.

Not a few politicians, and even some judges, brought troubles upon themselves for expressing disloyal sentiments. More than one man was actually impeached and removed from office. For every openly inflammatory or incendiary remark, however, there were many that were suggestive and equivocal, full of inuendo and fraught with danger because of their plausible, beguiling character. The following quotation from a speech of Colonel E. J. C. Kewen is perhaps typical of many expressions from prominent politicians who were not in harmony with the administration:

> What sorcery is there in the name of Lincoln that it should move the world to extraordinary homage and devotion, and obliterate all the monuments of ancient security and freedom? Alas! in the delusive dreams of "loyalty" propagandists, he doth bestride the world like a Colossus, and we Democrats, "petty men," must walk under his "huge legs" and "peep about" to find ourselves "dishonorable graves." It is not remarkable, therefore, that the Executive should be delirious with power, when the magic of his influence is illustrated by such extraordinary effects of willing obedience and fanatical proscription. Deluded with the visions of freedom, we still declaim, in patriotic phrases of our ancestral inheritance of constitutions and laws. Although the janizaries of power have usurped our sanctuaries, invaded our domestic shrines, insinuated themselves into legislative halls, and by insidious efforts and artful disguises, contaminated the sources and elements of public opinion, we yet linger at the altar of liberty, and indulge in the fond but mocking illusions of hope and ambition. . . .
>
> Every man has a right, by the law, to think and freely express his opinions, but the inexorable spirit of proscription provides only for "loyal" thoughts and "loyal" expressions. I must confess, sir, I am not enamored with this word "loyalty." It belongs to kingly and not to free government.

Because of expressions of disloyalty and activities of secessionists in certain centers of population, the presence of federal troops was more than once deemed imperative. Visalia, San Luis Obispo, Santa Barbara, San Bernardino, and Los Angeles were the cities that gave greatest concern. In Los Angeles, on account of the secession sentiment and the susceptible Spanish and Mexican population, it was found necessary to retain troops throughout the war. Likewise the character of the popula-

tion of San Bernardino, where a majority of the inhabitants were Mormons who had no love for the Union cause or the Union troops, explains the difficulty in combatting secession sentiment in that vicinity.

There are unmistakable intimations that many of the disaffected citizens were eagerly looking for an opportunity to "cut loose." As a striking instance may be cited the special mission and appeal for help carried by Judge L. M. Hastings of Los Angeles to the President of the Confederacy. The following statement, attributed to Hastings, who reached Richmond in December, 1863, reveals great confidence in his ability to enlist men in the cause:

> I can raise in California from three thousand to ten thousand superior troops, and every six months I can throw an additional force into Arizona from California during this unholy war.

After much deliberation Jefferson Davis, acting on the advice of his Secretary of War, reported against supplying the necessary funds to finance the project. Even then Hastings continued his efforts, claiming that secret organization actually existing could raise 1,500 men "without the financial support of the Confederacy." But meanwhile Gettysburg had been fought, Vicksburg had fallen—Hastings' plea came too late. Fortunately for California, perhaps, his mission had been delayed until it was impracticable for the Confederate government to avail itself of the ambitious program proposed.

Notwithstanding all this, however, the important fact remains that California was on the whole intensely loyal to the Union and stood steadfastly by the Flag and the Constitution. The enviable position of the State is thus expressed by the editor of *Alta California,* September 22, 1861:

> It may be regarded selfish to draw comparisons between our State and the States of the Atlantic at this junction; but yet the fact is that while they are distracted with war's alarms, profound peace prevails among us. There is not one of us who has not reason to be thankful that his lot is cast in the Golden State. There is cause for alarm neither from within or without.

San Francisco was the chief center of loyal sentiment. The same paper proudly asserts:

> In all these United States there is not a more loyal city than the metropolis of the Pacific. Among our citizens, devotion to the flag is an all-absorbing passion. It is shared equally by all classes, and is all but universal.

On the occasion of a great Union demonstration consisting of a grand procession and mass meeting, these lines appeared in large letters just back of the speaker's stand:

> The union of lakes and the union of lands,
> The union of States none can sever;
> The union of hearts and the union of hands,
> And the flag of our Union forever.

A few only of the organized activities in behalf of the Union cause may be mentioned here. During the first year of the war an organization

of Union men, known as the Home League, was formed, "to bring together Republicans and Democrats in support of the Union and of President Lincoln's administration." Its work consisted in conducting propaganda, organizing a Home Guard, promoting enlistment, keeping down conspiracy, and especially in striving to elect a war governor who would support Lincoln.

Union meetings were held in cities and towns and mining camps. A high order of oratory was much in evidence. The State of California owes an everlasting debt of gratitude to those noble patriots whose manly, eloquent appeals did so much to hold the Commonwealth steady and true to the Republic in the hour of peril. Thomas Starr King, loved Unitarian preacher, threw himself with his marvelous talent into the breach and championed his country's cause with unquenchable ardor and irresistible eloquence; Myron C. Briggs, stalwart Methodist editor and pulpit orator, was a tower of strength for every righteous cause, a terror to the traitor and evil doer; Colonel E. D. Baker, Senator from Oregon, was the silver-tongued orator who had delivered "what was supposed to be the greatest speech ever delivered in California" in advocacy of Lincoln's election, who boldly affirmed that California would be true to the Union "to the last of her blood and treasure," and who finally made the supreme sacrifice at Ball's Bluff; Cornelius Cole, James McClatchy, John Bidwell, Henry Edgerton, and their like—these are they who nobly wrought, who deserve well of the Republic.

When the opportunity was given, there was a great rush of candidates seeking to enlist in the California Regiment. "But we cannot spare them all," warns the observant editor, "so long as John Bull frowns on us from his Asiatic fleet, or in fact so long as his press and politicians unblushingly avow their hearty sympathy with this infernal rebellion."

The "California Hundred" left San Francisco on December 11, 1862, on the steamer *Golden Age,* in the midst of loud cheering and widespread interest. Five weeks later they were received in fine style at the Boston depot, where Captain Reed said in response to Major Lincoln's address:

> We come not as citizens of California, neither citizens of Massachusetts. We come as citizens of the United States, and we are proud to enroll ourselves under the quota of Boston.

One company of native-born Californians, consisting of forty volunteer cavalrymen, was organized in San José. The members of this company equipped themselves with lassoes, in the use of which they were most expert. Captain Pico thus addressed his men:

> "Sons of California: Our country calls and we must obey! This unholy rebellion of the Southern States must be crushed; they must come back in the Union, and pay obedience to the Stars and Stripes. United we will by force of circumstances become the freest and mightiest republic on earth."

While the services actually rendered the Union by California men in the ranks was of real importance, the State forces, with the exception of

those enlisted from Massachusetts, did not participate in any of the great battles of the Civil War.

The Golden State furnished to the Union two full regiments of cavalry, eight full regiments of infantry, one battalion of native California cavalry, and one battalion of infantry, called mountaineers, besides several companies of volunteers to Massachusetts and Washington Territory.

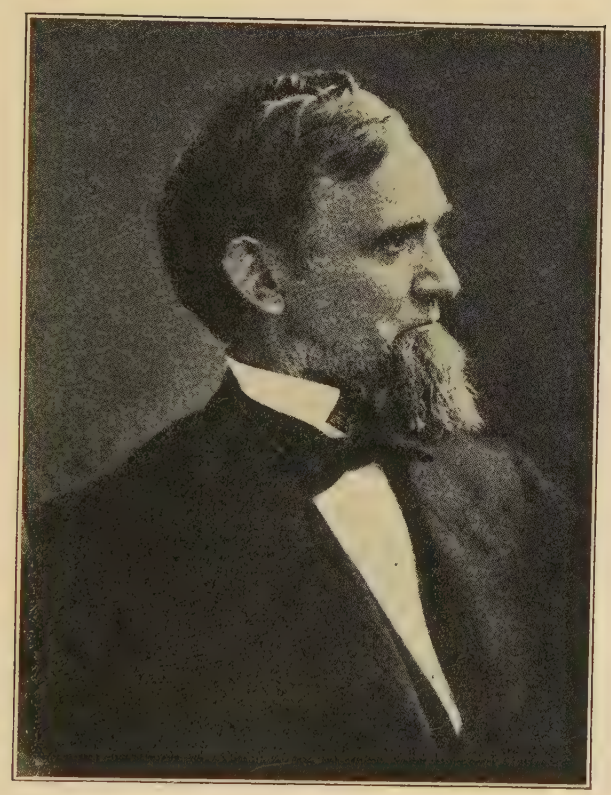
Of conspicuous military leaders in the cause of Union many are claimed as Californians at some time in their career. Among the galaxy mention may be made of but a few—Grant, Sherman, Hooker, Halleck, Sumner, and Baker. With like pride California's representatives in the Navy may be referred to—Farragut, Goldsborough, Porter, Alden, and Baldwin.

In the dark hours of civil strife it was California gold that supplied an indispensable element of strength and steadiness to our national finance. Every claim or demand made by the federal government was met without delay or question. Generous appropriations were made for military purposes, for a soldiers' relief fund, and in the form of the tax on gold and silver bullion. M. Alex. Bücher, writing in 1869, made the remarkable statement: "It is the gold of California that has dealt the fatal blow to the institution of slavery in the United States." General Grant once made the significant remark: "I do not know what we could do in this great national emergency, were it not for the gold sent from California."

Because of the heavy production of precious metals within her borders and of the now well understood exceptional conditions on the Pacific Coast resulting in the total unfamiliarity with a paper circulating medium, California had become firmly established on the metallic money standard. National legislation during the Civil War period decreed that "greenbacks" should be a legal tender for debts: quite naturally, when these began rapidly to depreciate vigorous protests were voiced in the Golden State because of the obvious and severe injustice occasioned by the operation of the law. Government representatives insisted that it was not only folly but *pro tanto* rebellion for Californians to ostracize the national currency. But great embarrassment followed any sincere attempt to use the notes. By discharging their obligations in the hated greenbacks the debtors inflicted heavy losses upon their creditors. Workmen refused to receive them, merchants suffered sharp losses, and the integrity of the whole financial system seemed threatened.

On November 8, 1862, an agreement was effected among San Francisco merchants "not to receive or pay out legal tender notes at any but the market value, gold being adhered to as the standard." Support to the merchants' position was given by a decision of the Supreme Court. Plans to exempt California from the operation of the legal tender law resulted in failure.

A remedy was finally found in the Specific Contract Act, approved April 27, 1863, which provided that "contracts in writing for the direct



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payment of money, made payable in a specific kind of money or currency might be specifically enforced by the courts, and judgments on such contracts be made payable and collectable in the kind of money or currency specified." As a result of this law, whose constitutionality was duly affirmed, arose the custom of making promissory notes and contracts in California payable only "in gold coin."

California was the main support of the Sanitary Commission, which was a great beneficence to the Northern armies. It was the eloquence of Starr King that rescued the Commission's work from wreck and financial ruin. The final report showed that out of a total of $4,800,000 cash received for the country, California alone had supplied upwards of $1,234,000. In such a time of national peril, of unprecedented financial demands, and in the face of a prospect of ruinous inflation of currency, the bright, hard California gold was like life-giving blood to one sorely wounded and faint from bleeding. As a contemporaneous speaker expressed it,

> . . . Every thousand hard dollars sent at such a critical time, from these golden shores, was equal to a brilliant victory by the fearless Hooker—towering in the clouds, or the gallant Porter, plowing the majestic waters of the Mississippi.

Happily for us, peace was preserved within the borders of the Golden State. The vigilance and patriotism of her governors, Leland Stanford and Frederick E. Low, the loyalty of her troops, and the steadfastness of the body of her people saved her from the horrors of actual warfare, thus enabling her to go forward in the development of her own marvelous resources while pouring her treasures into the lap of the nation. The concurrent resolution adopted May 17, 1861, by the State Legislature proved prophetic to California's loyalty throughout the Civil War:

> Resolved by the Senate, the Assembly concurring, that the people of California are devoted to the Constitution and Union of the United States, and will not fail in fidelity and fealty to that Constitution and Union now in the hour of trial and peril. That California is ready to maintain the rights and honor of the national government at home and abroad, and at all times to respond to any requisition that may be made upon her to defend the republic against foreign or domestic foes.

CHAPTER XXXI

AMERICAN TREATMENT OF THE CALIFORNIA INDIANS

In the year of the great gold discovery nearly every little valley of California had its tribe of Indians; in the great Sacramento basin were literally dozens of small tribes. A careful estimate of the Indian population of the territory in 1846 places it upward of 100,000. If the decrease in numbers during the fifteen years following secularization in 1834 was serious, that of the gold period was devastating and appalling. During the seven years from 1849 to 1856 the decrease has been estimated as high as 50,000. The fate of the California Indians has been indeed melancholy. Stephen Powers concluded that they were "more vilified and less understood than any other of the American aborigines."

> They were once probably the most contented and happy race on the continent, in proportion to their capacities for enjoyment, and they have been more miserably corrupted and destroyed than any other tribes within the Union. They were certainly the most populous, and dwelt beneath the most genial heavens, and amid the most abundant natural productions, and they were swept away with the most swift and cruel extermination.

More particularly in northern California frequent outrages were committed upon the Indians by hunters and trappers. Some of the whites did not hesitate to kill Indians whenever opportunity presented itself. One of Frémont's men is credited with the statement: "We followed up the Sacramento, killing plenty of game and an occasional Indian: of the latter we made it a rule to spare none of the bucks." Of Ezekiel Merritt, pioneer of 1834 and conspicuous member of the Bear Flag Party, it was said that he "boasted of his prowess in killing Indians, and the handle of the tomahawk he carried had nearly a hundred notches to record the number of his Indian scalps."

As a result of an unfortunate contact with the dominant whites, disease and brandy conspired with bullet and knife to compass the degradation and often the extermination of scores of tribes of California Indians. The epidemic of smallpox sometimes swept away whole tribes. Pulmonary diseases and more insidious troubles undermined the health and resulted in far greater losses than outright war.

Probably a large majority of the extensive Mexican land grants included tracts of land on which Indians—sometimes large *rancherias* of them—were living. In accordance with the old Spanish regulation, there frequently occurred in the *expediente* a clause for the protection of the

Indians, who were to be left undisturbed in their homes, the grantee not being free to eject them. The land wherein they dwelt and which they cultivated belonged to them as long as they continued to occupy it.

Instances were rare in which the Mexican grantees disturbed or in any way interfered with the Indians living on their estates. But when the generous, easy-going, improvident Mexican transferred his grant to the shrewd, aggressive American, the ranch Indians did not usually fare so well—their utter helplessness was quickly brought to light. The sharp American settler commonly showed a complacent disregard for the sentimental clause, "without injury to the Indians," and was backed by his government, which regarded itself as the absolute and unqualified owner of the land and denied that the savages enjoyed any usufructuary or other rights therein. It may be said that the United States did not really admit any obligation to treat with the Indians "for the extinguishment of their title." In virtually all cases of lands presumably reserved to the Indians, such lands were as a matter of fact disposed of to gold hunters and early settlers. Therefore Americans desiring to preempt claims on the so-called government lands often paid no more heed to the presence of Indian families or communities as a barrier than to the presence of so many coyotes or foxes. The purchaser felt no need to hold himself bound to regard the propertyless Indians occupying his land—they had all their years been living by the grace and tolerance of "a silly, good-hearted Mexican proprietor." The strong and vigorous young men, well armed and masterful, inheritors of the prejudices and stories of two centuries of border warfare with Indians, were in no mood to acknowledge any rights whatever as inhering in the California Indians.

The fate of many of the Mission Indians was most unhappy. With a few noteworthy exceptions, as in the case of John Bidwell and the Chico Indians, the American settlers demanded every acre of their lands and had little use for the Indians themselves. When farm hands were needed for the harvesting season, it was not difficult to secure the condemnation of vagabond Indians to forced labor. When the season was past the poor wretches, who in many cases had been caught like cattle, were "cast adrift to starve."

In some instances entire villages of them were heartlessly driven away, one of the most heart-rending instances being that of the Temecula Indians. As the result of an action in the District Court, the day came when the sheriff, with his posse of men and a warrant which could not be legally resisted, arrived in the fertile valley to eject the Indians. The first impulse was to resist the outrage, but on being expostulated with and shown the futility and even danger of resistance, they sadly submitted. But they still refused to lift a hand in the moving. Says Helen Hunt Jackson:

> They sat down, men and women, on the ground, and looked on, some wailing and weeping, some dogged and silent, while the sheriff and his men took out of the adobe houses their small stores of furniture,

> clothes, and food, and piled them on wagons to be carried—where?—anywhere the exiles chose, so long as they did not chance to choose a piece of any white men's land.

Thus the Indians, driven from their homes and from the lands of their fathers, fled like hunted beasts to inaccessible and desolate spots and secret lairs. The picture of the treatment of the California Indians by the American government, as well as by a majority of early American settlers who had dealings with them, is one filled with somber hues; it is a picture that stirs within the manly breast sensations of shame and remorse. The remnant of the Mission Indians, almost without exception, were peaceable and submissive, even when compelled to retreat again and again to new refuges. Their history has been pronounced, in the main, one "of almost incredible suffering and patience under wrongs."

As the great tidal wave of adventurous gold hunters spread to the north and to the south, inundating the valleys and penetrating to the heart of the rugged Sierras, the territory of the Indians was everywhere invaded and their population driven back and decimated. Villages were often rudely broken up and their inhabitants scattered, or even massacred. More appalling still were the results of an unfortunate contact with the whites that resulted, in many instances, in physical diseases and moral debauchery. In most localities the Indians offered no resistance to the onward march of the intruders. As is well known, the vast majority of California Indians were almost totally devoid of the fierce, warlike quality that characterized the "noble red man" of the east. Some of the tribes of the north and northwest, however, were bold and intrepid warriors who bitterly resented the intrusion and conduct of the whites and preferred death to tame submission. It was chiefly this spirit of resistance, together with depredations upon the property and live stock of the Americans, that brought on the so-called "Indian wars," resulting in the literal extermination of some tribes and the reduction of many another to a mere remnant, to be removed at a later date to the government reservations. The simple, aboriginal method of retaliation by killing the first white man they met after suffering an outrage at the hands of whites brought on not infrequently that safe and sure retribution of the miners, —the literal wiping out of the entire Indian village.

In the towns and cities of California the Indians fared badly. Constituting a large part of the labor force in San Francisco, Los Angeles, San Diego, and other centers, their wages were only half those paid to the whites, and the conditions under which they worked and lived were often unspeakable. Far worse than that, however, was their practice of immoderate gambling and the disastrous effect of their frightful addiction to fire water.

In the San Pasqual Valley, to cite but a single instance, it is recorded that there were twenty white vagabonds, all rum-sellers, squatted at one time around the Indian pueblo! The practice was all too common, on Saturday night and Sunday, to gamble away and drink up the earnings

of the week. Intoxicated Indians by scores were picked up in unconscious condition, carted to jail, to be hired out to the highest bidders at the jail gates. "Never in the poorest huts of the most poverty stricken wilds of Italy, Bavaria, Norway, and New Mexico," declared Helen Hunt Jackson, had she seen anything "so loathsome as the kennels in which some of the San Diego Indians are living." Similar scenes were witnessed at Los Angeles, where, by four o'clock on Sunday afternoon, certain streets were filled with a mass of drunken Indians; "yelling and fighting; men and women, boys and girls using tooth and nail, and frequently knives, always in a manner to strike the spectator with horror." At sundown, the pompous marshal, attended by special Indian deputies who had been confined all day in jail to keep them sober, made his rounds to drive and drag the maudlin combatants to a great corral at the rear of the Downey Block, there to sleep away their intoxication. For years, be it said with shame, almost nothing was done in a large or commensurate way for the amelioration or redemption of the unfortunate outcasts. In 1855 General E. Beale, superintendent of Indian affairs in California, said in his official report:

> Driven from their fishing and hunting grounds, hunted themselves like wild beasts, lassoed, torn from homes made miserable by want, and forced into slavery, the wretched remnant which escapes starvation on the one hand and the relentless whites on the other, does so only to die of disease, the penalty of the Indian association with the frontier civilization.

After the coming of the Americans, as indeed to some extent before that time, there were expeditions for the purpose of stealing Indian children to supply a special market with servants. Viewed from a technical legal standpoint these servants were not slaves, but in actuality their servitude was often complete. It would be inaccurate to affirm that this practice of abducting children was either open or general, although indenture papers are still to be found in the archives of certain counties; but, while it is impossible to learn its exact extent, it is certain that it attained all told a fairly considerable volume.

As early as 1849 the Federal Government took certain steps toward developing an Indian policy for California. The President appointed Thomas Butler King to study conditions and collect pertinent information; Adam Johnston was made Indian sub-agent for the Sacramento-San Joaquin area; William Carey Jones was instructed to make a study of land titles and to inquire into the nature of Indian rights as they had existed under the former régime, indicating the "difference between the privileges enjoyed by the wandering tribes and those who had made 'actual settlements' and established 'rancherias.'"

In 1850 a United States commission was appointed consisting of Redick McKee, George W. Barbour, and Oliver Wozencraft, who were duly authorized to negotiate with the California Indians with a view to settling questions of sovereignty and residence. After encountering many

difficulties the commissioners, aided by the hunger and dire necessities of the Indians, succeeded in reaching agreements to eighteen treaties signed by chiefs and head men of over a hundred tribes and bands and representing practically the total Indian population of the State. The Indians, on their part, agreed to accept the sovereignty of the United States and to keep the peace; to refrain from retaliation for wrongs done them by the whites; to accept certain reservations, eighteen in number and aggregating about 7,500,000 acres; and to quit-claim and cede their rights in their lands to the government. The government, on its part, agreed to pay the Indians, in goods, agricultural implements, etc., certain sums aggregating about $1,800,000; to reserve for the Indians' use in perpetuity the use and enjoyment the specified reservations; and to provide skilled instructors and supervisors in farming, blacksmithing, and woodwork.

These treaties were duly signed and delivered to President Fillmore, who transmitted them with a message to the Senate, where they were read June 7, 1852. In the meantime much opposition to them had developed: doubt was expressed "as to the wisdom of giving over valuable lands to undeveloped natives." They were not ratified. They were referred to the Committee on Indian Affairs and ordered printed in confidence for the use of the Senate. It was fifty-three years later (January, 1905) when the injunction to secrecy was removed! The unratified treaties had quietly reposed in the archives of Congress, forgotten by everybody but the Indians, who maintained that they made prompt compliance with the terms imposed, carrying out their covenants with the Government and the civil authorities. In the meantime the 7,500,000 acres of lands proposed to be reserved for the Indians had actually been reduced to little more than 500,000 acres, the great bulk having been acquired by the whites. However, the Government made no further effort to form new treaties or in other manner to acquire the Indian title to the lands, nor did the Indians ever receive compensation other than limited gratuity appropriations for their supposed rights in the lands.

In 1853 legislation was enacted providing for a reservation system for California, and appropriations were made to carry the plan into effect. Tejon, a lovely valley of southern California, was selected as the site for the first reservation. Other reservations were established in the course of time at "Nome Lakee," in the foothills of the Sacramento Valley, at the mouth of Noyo River, on the Mendocino coast, and on the Klamath River south of Crescent City. In addition to these, adjuncts to the reservations, or farms for the Indians, were established at a number of points. It should be stated, however, that the sentiment in California was far from favorable to giving the Indians anything like generous treatment. During those early years the protest of miners, the cupidity of settlers, and the ambitions of politicians conspired to defeat or render inocuous every measure calculated to bring any adequate solution to the Indian problem in California.

There is no doubt that in numerous instances the Indians were decidedly troublesome and that their atrocities and treacheries called for condign punishment; but it must be admitted that in a vast majority of cases of alleged aggression and apparently wanton depredation the retaliation was provoked by deeds committed by white men. To be sure, the governmental officials gravely reported the Indians' "predatory attacks and robberies"; but as a rule they made no reference whatever to bad treatment to which the self-same Indians had been subjected.

Again, there was no dearth of politicians seeking place and power who were totally unfit for the special tasks. In the hands of such ignorant and blundering politicians it was not within reason that the conduct of the reservations could be conducive to peace and contentment. A decent respect to the elemental human qualities and tribal feelings of the Indians would have gone a long way toward achieving success; but the tactless and even brutish treatment often shown very naturally inspired sentiments of desperate resentment and aroused strong desire to escape to their own loved lands. In her remarkable portrayal of the wrongs committed against the Indians Helen Hunt Jackson presents a striking parallelism between them and the negro slaves of the South as depicted in *Uncle Tom's Cabin*. Strong contrast appears, however, as to the effect on the outside world:

> While the cruelties against the negro aroused the indignation and compassion of the entire world, the wrongs perpetrated against the Indians were wholly disregarded. The blacks were deprived of their freedom; the redskins of the means of existence. But the ill-treatment of the negroes was a thing of daily observation in the midst of Christian civilization; the robbing of the Indians was carried on silently, at a distance from the great centers of population and the highways of commerce.

While the story of the actual contact between the Indians and the whites in California is stirring and filled with dramatic and pathetic episodes, it would be unprofitable to undertake here an extended recital of the Indian annals. It was in connection with early trouble with Indians that the Mariposa Battalion under Major James D. Savage discovered Yosemite Valley in March, 1851. Savage had managed to establish friendly relations with most of the Indians, employing a number of them in his mines and marrying several daughters of their chiefs. But he failed to win the friendship of "a collection of outlaws and fugitives from various tribes" whose habitation was in the rough high mountains east of Savage's camp. As a result of their depredations Governor McDougal issued a proclamation and call for volunteers, and the Mariposa Battalion was mustered into service January 24, 1851. Instead of ordering an immediate advance upon the Indians, McDougal sent out J. Neely Johnson, afterwards governor, as his agent and invited the three United States commissioners to accompany him, with the hope of inducing the troublesome savages to come in and make peace. Only a few responded, while depredations were redoubled,—horses and mules very

close to the commissioners' tents were deftly stolen. The Mariposa Battalion was ordered into line, but even then Johnson counselled moderation.

A *rancheria* on the South Fork of the Merced was taken by surprise: the inhabitants promptly surrendered, followed by the surrender of others. But the Yosemites did not put in an appearance. When they failed to appear, in spite of the reluctant promise of Tenieya, their old chief, a detachment of volunteers was sent into the mountains to seek their hiding place. After advancing a short distance, the whites suddenly came to what has since been known as "Inspiration Point," in full view of the entrancing valley. One of the men was Dr. Lafayette H. Bunnell, historian of the expedition, whose book, *Discovery of the Yosemite,* is now widely known. When he beheld for the first time the charming scene, "his eyes became suffused with tears and his whole being swelled with exalted emotions, such as he never felt before or afterward."

After displaying much patience and perseverance, Savage secured the surrender of Tenieya and three hundred and fifty men, who appeared to be content to be taken to the reservation. With their cunning instinct, however, they awaited their chance to escape, and while the guard slept they noiselessly slipped away, and so the Yosemites and the Chowchillas returned to their mountain homes, making necessary another campaign. It was only after the favorite son of the old chief was shot dead when attempting to escape that Tenieya, gazing upon the body of his son, finally submitted, in moody silence, but now and then breaking out in fierce denunciation of the manner his people had been despoiled. Later in the season the miserable remnant of the Indians were captured, and all were turned over to the government agents at the reservation. The Mariposa Battalion was mustered out of service on July 25, 1851.

But life for the mountain Indians at the mal-administered reservation was decidedly irksome. In early May, 1852, a band of incorrigibles, unable to resist the opportunity for plunder, set upon and killed a number of miners. Five of the murderers were captured, but Tenieya, though not implicated personally, quickly made his way back into the mountains and over the summit into the land of the Monos. As a result of a raid on the horses belonging to the friendly Monos, old Chief Tenieya—though perhaps not guilty of participation—finally met his fate when a rock, hurled by a young Mono chief, crushed his skull. Perhaps it was fitting that this haughty old chief—the last of the Yosemites—should thus have fallen rather than tamely submit to the regulations of the reservation, retaining in his heart the feeling that the white man had no moral right to despoil him of his land and everything he held most dear in life.

For several years in the early fifties the history of the northern portion of California was marked by a succession of Indian troubles. We have no space for the details of them here; nor is this necessary,—it would be a sadly monotonous recital of episodes arising from the impact of races and often the sordid elements of human nature. In some cases the whites were doubtless justifiable in penalizing Indians for their murders and

outrages; in others there is no palliation for the heartless brutality directed against the innocent and inoffensive savages. While no generalization can accurately describe the situation as a whole, the net resultant was a tendency, which to many seemed irresistible, toward ultimate extermination.

Early in 1863 Leland Stanford, war governor, issued a proclamation asking for volunteers to six companies of troops for service against the hostile Indians of the north. For years there had been serious difficulties and there had been no satisfactory response to appeals to the Federal Government for aid. Two companies were now raised in Humboldt County, three in Klamath, Del Norte, Siskiyou and Trinity counties, and one in Mendocino County. In April the Mountaineer Battalion was mustered into service and placed in command of Lieutenant-Colonel Stephen G. Whipple.

Then ensued the "Two Years' War." At the Big Bend of the North Fork of Eel River an attack upon a large *rancheria* resulted in a loss to the Indians of thirty killed and forty prisoners. Attacks upon mule trains and upon groups or individual whites brought sharp losses; but meantime the Mountaineer Battalion was making itself felt, and was being supplemented by additional forces. In spite of their skill and superior knowledge of the country, the Indians lost ground; their resistance became steadily feebler. In January, 1865, all the hostile Indians of Trinity County surrendered. A little later the remnants from Klamath and other counties did likewise. In June the Mountaineer Battalion was mustered out of service, its work having been accomplished. About two thousand Indians were ultimately placed upon the Hoopa Valley Reservation; and undisturbed peace reigned so far as the Humboldt district tribes were concerned.

Last and most dramatic among Indian troubles in California was the Modoc War. While the antecedents of this remarkable series of difficulties date back to 1852, the culmination of the struggle was not reached until more than two decades later. It is not surprising that the published accounts exhibit a wide divergence of opinion as to motivating causes as well as to many statements of fact. Perhaps the most remarkable account of the contest is that written by Jeff C. Riddle and called *The Indian History of the Modoc War and the Causes That Led to It.* The author was the son of Wi-ne-ma, heroine of the war, herself a Modoc, and Frank Riddle, an early American miner. He claims to have been, as a boy, "an eye witness of most of the events that he describes." Making due allowance for prejudice and possible inaccuracy of detail, there is a wonderful portrayal of the Modoc character and a gripping story of a unique and dramatic episode in California history.

The first Modoc bloodshed (by whites) is said to have occurred in retaliation of a treacherous attack by a party of Pit River Indians. The unsuspecting Modocs were met with a volley from the white man's deadly guns, resulting in the death of several women and children as well as men.

In the autumn of 1852 an immigrant train of sixty-five unsuspecting persons on the way from Oregon to California was attacked at Bloody Point by the Modocs at midnight, and before they could offer battle, nearly half of their number were killed or wounded. The miners of the vicinity raised a cry for vengeance; the extermination of the savages was demanded.

Ben Wright of Yreka was placed at the head of the miners. Then follows the "Ben Wright Massacre" of Modocs who had been thrown off their guard under the pretext of making peace. According to Col. William Thompson, Wright and his men became convinced that the savages, outnumbering the whites five to one, intended treachery and therefore must be anticipated. Continuing, Thompson says:

> It was a massacre all right, but did not terminate as the Indians intended. Riddle told me about ninety Indians were killed in this fight. It broke the war power of the Modoc Indians as a tribe for all time, and from that day the white men could pass unvexed through the country of the Modocs.

Thenceforth Ben Wright was by many accounted a hero, but the surviving Modocs never forgot what they claimed to be infamous and unprovoked butchery. For more than a decade hostilities continued: in 1864 a treaty was concluded in accordance with whose terms the Modoc remnant accompanied the Klamaths to the Klamath Indian Reservation on Upper Klamath Lake in southern Oregon. The sub-chief of the Modocs was Kientepoos, or Captain Jack; other leading members included Old Schonchin, Schonchin John, Scar-Face Charley, Bogus Charley, Shaknasty Jim, and Curley Headed Doctor. In a little while the restless spirit of Captain Jack, aroused by indignities offered him and by the overbearing conduct of the hated Klamaths, developed into an ambition to lead his people back into their former heritage in the Rhett Lake country. The flames of discontent in the breasts of companions finally encouraged him to raise the standard of revolt, and so he and his followers left the reservation once more to claim their home on Lost River.

For several years the officials made overtures to Captain Jack, seeking to secure his return to the reservation. As a result of the fourth attempt, Alfred B. Meacham, Superintendent of Indian Affairs for Oregon, gaining a special advantage over the Indians, succeeded in inducing them to return to the Klamath Reservation. They arrived in late December, 1869, numbering about two hundred in all.

With almost unaccountable stupidity the officials again located the Modocs on the same reservation with the Klamaths, whom they cordially hated, and toward whom they could not be expected to be well disposed. The overbearing, condescending conduct of the Klamaths toward these "inferior" and "interloping" neighbors was most exasperating. Three times Captain Jack complained to the reservation authorities. When he was finally driven from the agent's office with curses and dire threats,—

so the Indian version goes,—he stood with arms folded across his breast, and said:

> Bogus Charley, tell this man that I am not a dog. Tell him that I am a man, if I am an Indian. Tell him that I and my men shall not be slaves for a race of people that is not any better than my people. If the agent does not protect me and my people I shall not live there. If the government refuses to protect my people, who shall I look to for protection?

The next day Captain Jack and his entire band were again on their old camping grounds, on the banks of Lost River. It proved a serious imprudence to permit the Modocs to leave the reservation in the spring of 1870, as it was a fateful decision for Captain Jack and his followers. It was not very long till the authorities began planning to get them back. Old Schonchin, who with some others had rejected the counsel of the chief and remained on the reservation, was sent after Captain Jack, who, however, had good reason to expect punishment for past offenses and therefore —perhaps following his own fierce nature—refused to go back, even when promised a home exclusively for the Modocs. In their former haunts they lived a simple, happy life, some of them going to work for the white settlers, until September, 1872.

In the meantime they heard that the soldiers would be after them soon. Indeed, the peace policy of Meacham was followed by the more aggressive policy of T. B. Odeneal, who succeeded him as Superintendent of Indian Affairs for Oregon. He received instructions from Washington to move Captain Jack and his band of Modocs to the Klamath Reservation, "peaceably if he could, but forcibly if he must." The sad sequel is almost without parallel in the annals of California.

On November 17, 1872, Tobey Riddle (Wi-ne-ma, "the woman of the brave heart") mounted her bay mare at Yreka and after a hard ride of fifty-eight miles was among her people. They noted her tired and anxious look and asked what was the matter. After overcoming her grief, Tobey replied:

> The soldiers will be here tomorrow. I rode hard in order to reach you people. What I want to tell you is this: "Do not resist the soldiers. Do not offer fight; if you listen to the officers, you people will not get hurt. Go back to the agency. You all know John Schonchin's brother and my brother, Charley. All their people are living at Yainax, and no one bothers them. They are Modocs. Go to Yainax, where the other Modocs are. You will be safe if you take my advice, but if you fight the soldiers, all of you will be killed."

Mounting her trusty animal, she said farewell to Captain Jack's people and sped on to her own folks at the present site of Bonanza, Oregon, with the tidings that the soldiers would be after the Modocs on Lost River on the morrow. On that short November day the brave-hearted Indian woman rode about seventy-five miles, a feat which, with many subsequent deeds, won for Wi-ne-ma "a place in history which can never be disputed."

The thrilling details of the Modoc War can not be told here. There is a strange blending of pathos and tragedy, an incongruous mingling of the best and the basest in the human heart. We must content ourselves in this history with a mere resumé of what actually happened.

Captain Jack's men warned the white settlers of the soldiers' coming, asking them to stay at home, agreeing not to molest them if they refrained from taking part with the troops. It must not be regarded strange that under the special provocation they did not literally keep their promise. They paid a terrible penalty at the hands of the savages. Capt. James Jackson proceeded directly to the Modoc camp, taking the Indians by surprise.

When they were ordered to lay down their arms, all complied, after some hesitation, except Scar-Face Charley, who refused to give up his pistol. Jackson ordered a lieutenant to disarm him, which precipitated a clash between the two, and the parley was suddenly changed into a battle, which continued for three hours. There was bloodshed on both sides; all hope of peaceful settlement was for the time abandoned. The Modocs, at the order of Captain Jack, with their families, ponies and other property, started without delay for the lava beds to the southwest of Lake Rhett. Seldom have soldiers or savages had stronger fortifications than those afforded the fierce Modocs by the deep caves, guarded by jagged rocks and ledges, of the lava beds. The cost of dislodging a small band of fierce warriors from such a fort was indeed frightful.

On January 17, 1873, Lieut.-Col. Frank Wheaton advanced, supposing it would be easy to drive out the redskins. The soldiers fired volley after volley into the rocks and fog to no effect; the Indians, concealed behind rocks and natural breastworks, poured a deadly fire into the charging Americans, who were quickly compelled to retreat, suffering a stunning loss of thirty-five dead besides a number wounded. When Captain Jack called his men together that night at the war-dance fire, not one was missing. There was fierce glee in camp. Shaknasty Jim boasted that he could "stand off twenty of them volunteers now" with his fine Henry rifle and plenty of cartridges.

Again the idea of a peace commission was advanced. It was urged that more could be accomplished by parley than by war,—political confusion and military mismanagement had already taken a frightful toll. A few days later the peace commission was constituted, with Alfred B. Meacham, then in Washington, as chairman. Arriving at Fairchild's ranch on February 19, 1873, he found the other members, Jesse Applegate and Samuel Case, awaiting him. Gen. E. R. S. Canby was counsellor to the commission. After some negotiation, Captain Jack, realizing that his was a losing fight, sent word that he was willing to proceed with the peace councils. Canby was assisted by Rev. Eleazer Thomas and Leroy S. Dyer, recently appointed to the commission. A compact was entered into to the effect that so long as the peace councils continued no act of war would be committed on either side. Meanwhile Canby moved camp to

the edge of the lava beds, only a mile and a half from the Modoc stronghold.

A council tent was pitched between the opposing camps, care being taken to locate it in full view of soldiers' signal station. Wi-no-ma and her husband, Frank Riddle, warned Meacham and Canby that the Modocs meditated treachery, intending to kill the commissioners at the next council. Canby refused to credit what seemed so preposterous a report, and in due time the council opened. But the fateful decision had been reached at the war council of the Indians, when Captain Jack, finally promised, despite his alleged earnest protestations against such a course, to kill Canby. That promise, forced from him by his blood-thirsty warriors, who placed a squaw's hat on his head and taunted him as coward and fish-hearted woman, spelled doom for Captain Jack.

It was Good Friday (April 11, 1873) when the fatal peace council was held. Wi-ne-ma again made a passionate plea to Meacham and Canby against going, but to no avail. The following were present and sitting as the council opened: General Canby, Doctor Thomas, Colonel Meacham, Mr. Dyar; Captain Jack, Schonchin, Boston Charley, Bogus Charley, Black Jim, Hooker Jim, Frank Riddle and Wi-ne-ma (interpreters). It had been agreed that all should be unarmed; but not only had the Modocs brought their pistols, but two young warriors lay hidden in the bushes near by, their arms filled with rifles. After some parleying Captain Jack faced General Canby with a point-blank demand for a home at Hot Creek, and without waiting for reply gave the signal for the murderous attack, himself shooting Canby under the right eye. Each played his dastardly part in the murderous drama. Canby and Thomas were killed, Meacham badly wounded but rescued by Wi-ne-ma, and Dyar and Riddle managed to escape. Captain Jack realized the enormity of his deed. These words are ascribed to him:

> I have thrown myself and life away today. I did something today that I thought I would never do, but I have done it. I killed an unarmed man. I know I will be killed, but when I fall there will be soldiers under me. Tell Gillem, if he wants to find me, to come right over yonder (in the direction of his cave).

The soldiers, now numbering in all about a thousand men, promptly advanced on the Modocs, and a number of them were killed during several days' fighting. In their caves and behind the jagged rocks the Indians were safe for the time being from the mortar, shell and Springfield rifles. But there could be only one end to the struggle.

The last hard battle of the caves was fought in late April, 1873. The soldiers were closing in on all sides, and the Modocs, cut off from their water supply, well knew they could not hold out much longer. That night, about midnight, the Modocs made their escape from the lava beds, traveling south to a place where they hoped to hold their own a while longer. A little later they separated into two bands, one going west and the other east. The beginning of the end came when Scar-Face Charley,

Hooker Jim, Bogus Charley, and Shaknasty Jim surrendered and were hired as government scouts. At length Captain Jack himself was captured and the Modoc war was ended.

On July 5, 1873, a court-martial was held at Fort Klamath, with Lieut.-Col. Washington L. Elliott sitting at the head, and Maj. H. P. Curtis as judge-advocate. Captain Jack and his accomplices were put on trial for the murder of Canby and Thomas and the attempted murder of Meacham and Dyar. The trial lasted four days. The court found all the prisoners guilty as charged and sentenced them to be hung. The findings and sentences being duly confirmed by President Grant, were ordered to be carried into execution on October 3. In the meantime the two boys who had carried the rifles being adjudged scarcely responsible, their sentence was commuted to life imprisonment. Before execution each of the other condemned men was permitted to speak, Schonchin John last of all. "War," said he, "is a terrible thing. All must suffer—the best horses, the best cattle and the best men. I can now only say, let Schonchin die!"

The swift and relentless disappearance of the California Indians is both tragic and pathetic. Conceding that the estimate of 260,000 for the beginning of the nineteenth century was perhaps excessive, the decrease to less than 100,000 at the beginning of the American period, and to a straggling remnant of 15,500 when the twentieth century began seems astounding and incredible. The terrible decline, it must be admitted, is due largely to the white man's greed for land. The story of the reservations and their administration from the beginning in 1853 to our own day is not a source of pride to fair-minded and patriotic citizens. If a certain reservation was found to contain desirable lands, sweeping changes were demanded by politicians. By 1880 the Indians were despoiled of most of their most desirable lands. They had been forcibly driven from pillar to post, exposed to the heat of the desert and lack of water, and even so they discovered too frequently that even such homes as they had they held only on sufferance. To non-reservation Indians allotments of not to exceed 160 acres each were made, the conditions of which were seldom understood by the recipients. At first if whites objected to Indians on lands they had acquired, the Indians could move to adjacent tracts; but later practically all the desirable land came to be taken up. When the Americans agreed to permit Indians to remain on certain lands, the promises were disregarded when the lands changed hands, and the Indians were finally evicted.

During more recent years, however, unsatisfactory conditions have been mitigated to a considerable extent, and for some time the Indian population of the State has been holding its own,—apparently even increasing at a slow rate,—and there is growing up a slowly increasing body of respected citizens of Indian blood. There was undoubtedly an awakening, about 1880, to a fuller sense of obligations and opportunities: since then there has been a salutary development of Indian children and youth by means of education adjusted to their special needs. The prom-

inence given to moral training and religious worship—in short, to the fundamentals of character building—has brought marked improvement. For many years Indian children had been almost wholly denied school privileges; but more recently forty-three reservation boarding schools and twenty-six non-reservation boarding schools have been established for their benefit. Moreover, it is pointed out that the law no longer discriminates against pupils of Indian birth. Nevertheless, it must be conceded that local prejudice against race and color often prove so strong as to prevent their attendance with the whites; and neither the State nor the Federal Government has as yet established a sufficient number of Indian schools fully to meet the need.

The improved condition is due, also, in no small measure, to the existence and altruistic endeavors of a number of betterment organizations, such as the Northern Indian Association of California, the Indians' Rights Association, the Sequoia League of Los Angeles County, the Indian Board of Co-Operation, and others. Supported by voluntary subscriptions and interested persons, these organizations have made a generous contribution to the welfare and progress of a long-neglected people.

During President McKinley's administration commissioners were sent to locate suitable sites for government schools like that at Carlisle, Pennsylvania. On June 18, 1901, the cornerstone of the Sherman Institute was laid. This school, located on a forty-acre site near Riverside and named after James S. Sherman of New York, chairman of the Committee on Indian Affairs, was founded to afford the Indian children of southern California facilities in education and industrial training.

At the present time, while many tribes have entirely disappeared, some Indians may still be found in a great majority of California's counties. The total population numbers (in 1925) perhaps 18,800 Indians, of whom about 14,000 are found north of Tehachapi. There are in all thirty-two reservations with varying areas and populations. The special allotments that have been made are uniformly small, and many of them quite worthless on account of the poor soil and serious lack of water. The remnant of the aboriginal Californians are almost literally compelled to compete with the squirrel for the acorns that fall from the kindly oaks in the autumn of the year.

CHAPTER XXXII

THE CHINESE QUESTION

It is not generally known that many centuries ago the Chinese had an opportunity to acquire a footing on the Pacific Coast of North America, nor that there ever was a time when Japan might have proved a menace to the dominion of Spain over her Pacific colonies. Be that as it may, and conceding that it is usually futile for the historian to speculate on what might have been, it remains true and vastly significant that the Far Eastern Asiatic peoples have constituted an important factor in the life of the Far Western Americans, and that indications point to still more consequential phenomena flowing from the future relationship of the peoples bordering the Pacific Ocean. Many of the far-reaching events of the world's great hereafter must inevitably take place along the borders of the Pacific basin.

Of the Oriental peoples the Chinese are the most numerous and perhaps most potential when viewed from the standpoint of the great future. While certain interesting phases of the Chinese question are too remote from California's history to justify a place in the present chapter, it is clear that the emergence and historical development of the question as a whole as well as in important particular aspects demand for it a just treatment in any history of the commonwealth.

With the fascinating question as to whether the aboriginal inhabitants of Mexico and the Californias were of Mongolian, or Chinese, origin,—of which there has been built up not a little evidence along ethnological and cultural lines,—we are not here directly concerned. It is pertinent, however, to remark that during the period of her early history California was relatively near to China. Ellen Semple has pointed out this important truth in these words:

> Measured in terms of comfort, money and time, California was nearer to China than to the Mississippi prior to 1869. . . . The easy, cheap voyage from Shanghai or Canton to San Francisco Bay made an open highway for the Mongolian coolie, while the long caravan journey from the Missouri measured in months and leagues, the expense and hardship of such travel, and the barrier of mountain and desert, kept out the large influx of Americans from the eastern states which might have yielded a laboring class. Moreover, those who came found such wealth of opportunity in the mines, the agricultural resources of the land, and in commercial adventures, that every American became his own master, and employees did not exist as a class except among the Chinese.

The relations between China and the United States date from 1784, when the clipper ship *Empress of China* arrived at Canton with a cargo

of ginseng. During the same year Maj. George Shaw received the appointment of American consul at Canton, where he took up his residence as commercial agent. In the year 1805 nearly six million dollars' worth of merchandise was transported to China in thirty-seven American vessels. One Chinese immigrant is said to have arrived in the United States in 1820. The first American Christian missionary, the Rev. C. E. Bridgeman, reached China in 1829.

In the year 1844 Caleb Cushing was duly appointed by the United States Government as minister plenipotentiary to China. Through his efforts a treaty was concluded which gave Americans the right to trade in five Chinese ports,—Canton, Amoy, Foochow, Ningpo, and Shanghai, and at the same time secured a recognition of the right to the free exercise of the Christian religion by Americans and citizens of other nations.

It is thus clear that definite treaty relations had been established before the first Chinese immigrant found his way into modern California, in 1847. During 1848 two Chinese men and one woman came,—the men proceeding to the mines and the woman becoming a servant in the family of Charles V. Gillespie.

It was the gold of California—one of the most powerful magnets in human history—that attracted the first considerable body of Chinese—considered a non-emigrating race—to our shores, along with representatives of all races. From the first men in 1848 the numbers increased to half a hundred by early 1849, and nearly a thousand by the beginning of 1850. Then by leaps and bounds the numbers were augmented until in the summer of 1852 there were not far from 20,000 Chinese in the State of California. In the *Annals of San Francisco* it is recorded for April, 1852, that—

> The immigration of Chinese into California has greatly increased of late. By this month it was supposed that upwards of ten thousand of that people had arrived at San Francisco, while as many more were estimated to be on the way. Considerable public discussion existed at this period on the desirableness of such a vast immigration of the race; . . .

No one can contemplate the presence of such a significant element in our population, amounting to no inconsiderable proportion to the total number of the white races, without recognizing the presence of a race problem of far-reaching potentialities.

The first Chinese immigrants to California were treated with "distinguished consideration." In 1850 they were referred to as "our Chinese fellow-citizens"; they were given a prominent place in the impressive services on the occasion of President Taylor's death and in the grand celebration of the admission of the State into the Union. Governor McDougal made reference to the Chinese as "one of the most worthy classes of our newly adopted citizens" and expressed a desire for their further immigration and settlement. As late as May 12, 1852, the *Daily Alta California* says:

> Quite a large number of the Celestials have arrived among us of late, enticed thither by the golden romance that has filled the world. Scarcely a ship arrives that does not bring an increase to this worthy integer of our population. The China boys will yet vote at the same polls, study at the same schools and bow at the same altar as our own countrymen.

A prominent reason for the early welcome to the Chinese immigrants lay in the fact that in early California there was no dependable supply of laborers and that the Chinese showed themselves adaptable, faithful workers, whether in the mines, on the railroads and ranches, in laundries, in hotels and private kitchens, or as domestic servants.

But the inevitable reaction was not long in showing itself. The first marked dissatisfaction appeared in the mines, where, in spite of their much smaller daily earnings, the Chinese, by dint of their dogged perseverance and extreme thrift, accumulated more gold than did many of the extravagant and sometimes reckless whites. "John Chinaman" was a patient, peace-loving, hard-working subject, paying his mining license without a murmur, content to leave the richest claims to the American miners. Nevertheless, as a foreigner and Celestial, he was constantly getting in the way of the aggressive white, and as a consequence was "driven backwards and forwards," the victim of angry words, much strife, and not a little actual violence. The feeling of antipathy for the Chinese in the mining districts was heightened by a knowledge of the large influx into the State.

Influenced by the feelings of the American miners, Governor Bigler issued a special message stigmatizing the Chinese as "coolies"—an abhorrent appellation—and calling upon the Legislature to prohibit their further immigration.

In the meantime there was growing up in San Francisco with startling suddenness a well-defined oriental district often called "Little China." This was located on upper Sacramento Street and the entire length of Dupont Street. Chinatown speedily became and long remained one of the wonders of San Francisco. Thousands of curious tourists of later days were drawn by its hidden mysteries. Gambling houses sprang up with astonishing rapidity: these, with their backroom saloons and numerous "banks," their secret passages and hidden recesses, were filled with crowds of people day and night. As an evil concomitant of the ubiquitous gambler was the Chinese prostitute. These abandoned creatures, who flocked to the city in considerable numbers, are declared to have been "the most indecent and shameless part of the population."

Why did the Chinese come to our shores? What was the inducement that caused thousands of this hermit-like people to venture forth upon the hazardous voyage across the Pacific to try their fortunes in a strange land in the midst of a strange people? Numbers were attracted by the promise of incredibly high wages and the dazzling prospects of the gold fields; some came to cultivate the soil, then held in low esteem; some as

merchants; others to make their fortune from the vast natural resources of a rich, new country.

But the great mass of Chinese immigrants, after the coming of the first merchants and other ambitious spirits, came not on their own individual initiative but under conditions but slightly removed from real servitude. The "Six Companies," early accused of importing large numbers of coolies and prostitutes under contract, as well as of illegal extortion and evasion of the law, became the basis of the colony bond among the Chinese, a substitute for their native village and patriarchal association. These "supposed instruments of tyranny over their countrymen" were formed "for the control, protection, and general benefit of their members." Admitting that in theory the "Six Companies" were purely voluntary and of benevolent purpose, it is impossible to escape the conclusion that they were in reality responsible for the bringing to the United States large numbers of Chinese immigrants, including many of the poorest and most ignorant class and not a few morally deficient and criminal. The underlying motive was clearly economic. The belief spread among Americans that the typical "coolie" was not a free and independent laborer but that he was being ruthlessly exploited by shrewd and grasping speculators. This belief was well calculated to intensify the feeling of hostility toward all Chinese in California.

The revulsion of feeling found various methods of expression. One of the first was the imposition by the Legislature of a per capita tax on foreign miners, directed exclusively at the Chinese. This tax was inequitably administered, and along with various forms of taxation proved to be of little avail.

In 1854 Governor Bigler, not hesitating to make political capital out of the Chinese question, roundly scolded the Legislature for doing nothing against this great evil, being thus the first to invoke the anti-Chinese shibboleth. Numerous exclusion bills, some of them quite erratic, some most drastic, were urged; but such as seemed likely to prove effective were found unconstitutional by the courts.

With the rising tide of opposition to the Chinese there developed an anti-social attitude and treatment that was far from creditable to a large class of Americans. This feeling extended even to little children who were often condoned by their elders in a disrespect toward "John Chinaman" that frequently amounted to insult. The mistreatment of the "pigtail," "almond-eyed Celestial" by "hoodlums" and "bummers" was of daily occurrence, and slight prospect had the aggrieved for vindication either privately or in the courts.

The reasons for the growing spirit of hostility has already been foreshadowed. Making due allowance for lack of sympathetic understanding of a widely different race, there was still ample ground for the feeling of apprehension if not animosity that came to motivate the typical Californian. Says Cleland:

> The Californian, on the other hand, saw in the Chinaman only an inferior being, simple in some ways but cannier than a Scot in others, who lived in squalor and stench, spoke an outlandish jargon, worked with a patience and industry beyond comprehension, worshipped strange gods, suffered from strange diseases, practiced strange vices, ate strange foods, regarded China as the land of the blessed, thrived under standards of living no white man could endure, administered his own law in his own way through his own agents, without much regard for the officials and statutes of the Sovereign State of California, suffered with helpless stoicism whatever indignities were thrust upon him (partly because he had no vote), and represented but the far flung skirmish line of an army of 400,000,000 beings like unto himself. No wonder California became alarmed! The state faced irreparable injury if something were not done to keep the stream of immigration under control.

More specifically the explanation of the hostile attitude of the Californians may be found in economic, social, political, moral and religious, and racial considerations. The Chinese entered occupations, such as mining, railroad building, lumbering, fishing, and cigar making, which brought on a competition that was regarded as intolerable by the emerging white labor class. The fact that "a Chinaman would do more and better work in the kitchen than a female cook" by no means added to the welcome extended to the Celestial by the workman seeking a job. In his presence was seen the degradation of labor and the depreciation of its value. Moreover, he was accused of draining this country annually of large sums of money.

Socially, the presence of the Chinese came to be regarded as a great evil, likely to work permanent injury to the state. They were charged with having no desire for progress, living on inferior food in crowded, filthy dwellings, in utter disregard of health and fire ordinances. Thus they not only displaced white laborers but by their very presence tended to discourage and retard white immigration to the Pacific Coast.

Politically, they were regarded a menace to republican institutions, practicing a sort of quasi-government among themselves, and evincing no desire to become citizens of the United States. Clinging tenaciously to their clannish ways, they had no intercourse with Caucasians, no desire to assimilate.

From the moral and religious standpoint, it was charged that they came and they went as pagans,—not only so, but that many of the Chinese immigrants were criminals and that with them they brought women of bad character to San Francisco whose vices corrupted the morals of the city. Indeed the influx of the Chinese was held to be a menace to the existence on the Pacific Coast of Christian civilization.

Finally, a consideration that was perhaps most fundamental, though at the time least defined and tangible, was that based on sheer divergence of races. Between the Caucasian and the Mongolian there was a deep, fixed gulf, which gradually appeared to become more and more absolutely

impassable. The very juxtaposition of two so widely different races presented a problem that even yet is far from satisfactory solution.

Viewing the situation in calm retrospect, it is not surprising that, as the Chinese immigrants poured by thousands through the Golden Gate until 116,000 were found in California alone, men's passions were stirred to their very depths and here and there arose a doleful prophet who had a vision of most dire consequences. Of these perhaps the most lurid was P. W. Dooner, who in his *Last Days of the Republic* professed to see undoubted evidences of a stupendous scheme of conquest, "unparalleled in the history of the human race." China, after weighing all circumstances, had deliberately determined to gain control of the United States, which "would give her the virtual control of the Western Hemisphere." Out of her five hundred millions of people she could readily afford the population necessary to complete this immense design! Said Dooner:

> The coil of the Asiatic serpent was gradually encircling the entire body of the victim, now virtually within its grasp. The touch was not yet so rude as to startle, nor so real as to horrify; but the danger was only the more imminent that it was so well disguised. The day was not far distant when the constrictor would relax its folds to feast upon the noble captive that too long had dallied with its shrinking touch, and invited its deadly embrace. [!]

At least we are now in a position to recognize the reality of the Chinese question in California history. But it is of course clear that the emergence of the question was not a result of any ulterior motive or conscious plan on the part of the Chinese Empire. It would be more reasonable to attribute its inception, as some have done, to the action of Great Britain in forcing the opium trade upon China many years before the first Mongolian immigrant entered California. And by 1858, it is said, twenty-five per cent of the opium trade was carried in American vessels. Referring to England's activity, James H. Whitney wrote in 1880:

> For without this there would have been no material breaking down of the twin principles of Chinese policy—the exclusion of foreigners and the retention of her people within her own borders. British aggression was based upon the necessity of finding a market for the opium grown in India, and this market could only be obtained in China . . . Had there been no opium war between Great Britain and China and no attempt on the part of our people to share in the advantage of the trade, there would have been on Chinese question on the Pacific Coast of the United States.

While the Californians came to embrace the anti-Chinese cause with almost complete unanimity, there were at all times learned and capable advocates of the pro-Chinese attitude. Among these it is doubtful if any showed more real ability than representative Chinese scholars themselves. Yan Phon Lee presented an excellent summary of the situation in the *North American Review,* (Vol. 148) offering keen rebuttal to each argument against the Chinese. Kwang Chang Ling contributed a series of articles

to the San Francisco *Argonaut* (1878) under the caption, "Why Should the Chinese Go?" Said he:

> The truth about the Chinese question is that it has hitherto been viewed from too low and narrow a standpoint. It has been forgotten that nations have histories, and that their relations toward one another are not to be determined altogether by present or local considerations. This may not be perceptible to my friends of the sandlot, who, as workingmen, inspire my respect, while as historians and logicians they excite only my amusement. . . . You all desire to possess advantages in China, which, at the same time, you would deny to Chinamen in America. You have bombarded our ports and forced us into an unwilling commerce with you, which now you desire shall be entirely one-sided. Your reason for this is not a sound one. You are clear-headed enough to perceive that the benefit to commercial intercourse cannot be uni-lateral. But you fancy that the advantages of social intercourse may be monopolized by one party. You will not permit us to shut ourselves up. You demand every privilege for Americans in China, but you would deny the same privileges to Chinamen in America, because, in your opinion, the presence of the Chinese amongst you is a menace to your civilization.

There is no gainsaying the fact that many Chinese immigrants, victims of a situation with whose creating they had little to do, were often subjected to indignities and harsh treatment. In all too numerous instances the violence amounted to anti-Chinese riots. Thus in 1859 the feeling reached such a pitch among northern miners that Governor Weller sent a company of militia to put down the riots in Shasta County.

During the period of the Civil War attention of Californians was diverted largely to national affairs and the question of Negro slavery gained ascendancy over that of Chinese coolieism. Indeed, large numbers of Chinese were imported to work on the Central Pacific Railway. During 1865-69 as many as 9,000 Chinese were engaged in construction work, and Leland Stanford reported that they were "peaceable, industrious and economical, apt to learn and quite as efficient as white laborers."

But with the return of peace, and especially on the completion of the railroad, in 1869, the labor market was flooded with Chinese laborers, giving the malcontents more cause for their complaints than ever before and injecting a leading issue into state politics. By the adoption of certain labor planks, including an anti-Chinese program, the Republicans carried the election of 1871, and Newton Booth became governor.

For a time the anti-Chinese agitation became more moderate; but when the panic of 1873 was felt in California, followed by the rise of Denis Kearney and the Workingmen's Party, the question came rapidly to its zenith. During the height of the ensuing agitation, particularly in San Francisco, many cruel and indefensible outrages were perpetrated upon the hapless Chinese. It will be appropriate to give further consideration to the industrial and political conditions of this period in another chapter.

It is appropriate to note here, however, that the labor riots of 1877 against the Chinese were so severe as to render the San Francisco police insufficient and threaten the destruction of the city by fire. As a result

of a public meeting the Committee of Safety was formed under the presidency and control of William T. Coleman, of Vigilance Committee fame, to aid the constituted authorities, acting in strict accordance with the law. It was decided not to use arms unless necessary; but 6,000 hickory pick-handles were ordered for use as clubs, thus giving name to the "Pick-handle Brigade." In all about 5,500 men were enrolled, companies of 100 men were formed, and there were 300 cavalry. On the night of July 25 the "Pick-handle Brigade" fought for two hours to repel the attack on the Pacific Mail Steamship Company's docks and steamers—where the Chinese were landed. Success was finally achieved and the backbone of the riotous movement was broken. The "Committee of Safety" quietly sank out of sight, having finished its important work.

In the meantime there was renewed demand for a new Constitution for California, culminating in the constitutional convention of 1879 and the final adoption of a new fundamental law, which is strongly anti-Chinese. The Legislature was to provide for the protection of the State from the presence of dangerous aliens,—which of course mean Chinese. It was further declared to be the duty of the Legislature to discourage their immigration by every means within its power. Section 2, Article 19, provided that "No corporation now existing or hereafter formed under the laws of this State shall, . . . employ, directly or indirectly, in any capacity, any Chinese or Mongolian." Furthermore no Chinese were to be employed on any public works except as punishment for crime. The provisions of this section, however, were held to be in conflict with the United States Constitution, and therefore void.

The ensuing scenes must be shifted to the national councils, for it became increasingly clear that the problems were of national scope. The Reed Treaty of 1858 had added further advantages to those secured under that of 1844: however, by the "most favored nation" clause it agreed that China should receive any concessions granted to other powers. Then followed the period of the Civil War, during which the anti-Chinese sentiment was greatly allayed.

The agitation for the Burlingame Treaty aroused anew the passions of Californians; but despite their protests the treaty was concluded in 1868, giving a renewal of mutual assurances of protection and trading privileges. Article VI reads:

> The subjects of China shall enjoy the same privileges, immunities, and exemptions in respect to travel and residence as may be enjoyed by the citizens and subjects of the most favored nation.

Free interchange by migration was favored, with the important reservation that no right of naturalization was guaranteed to citizens of the United States in China nor to citizens of China in the United States. At the very time the Burlingame Treaty was concluded, it is safe to say, a great majority of the citizens of California strongly favored the exclusion of the Chinese. The first debates on the subject in Congress almost immediately ensued, in 1868-69. The renewed agitation in California

and along the Pacific Coast, resulting in the local enactment of drastic laws and ordinances without regard to wider consequences, and often in violation of treaty agreement, inevitably forced the matters upon the attention of the national government.

At length Congress was constrained to appoint a Joint Special Committee, which convened in San Francisco on October 18, 1876, and held extensive hearings. The report of the Joint Special Committee of Congress stated, in part, that the testimony demonstrated that the "Chinese lived in filthy dwellings, upon poor food, crowded together in narrow quarters, disregarding health and fire ordinances," adding that "to compete with them and expel them, the American must come down to their level or below them." Added to the weight of this report was the memorial of the California State Senate with its sweeping denunciation of the Oriental in California, and finally a summary prepared by Albert S. Willis of the Committee on Education and Labor, pointing out the impossibility of competition when—for example—"one hundred Chinese will occupy a room which if subdivided would not accommodate five American workmen with their families."

Early in 1878 a resolution was reported to the House of Representatives requesting the President to undertake to secure a change in or abrogation of all treaties which permitted "unlimited immigration of Chinese to the United States."

With scant regard for treaty relations or courtesy to a foreign power, Congress passed the Fifteen Passenger Bill, designed to restrict Chinese immigration to the United States. The measure was promptly vetoed by President Hayes, who believed it would abrogate the Burlingame Treaty.

The veto of the Fifteen Passenger Bill had the effect of focusing attention on the abrogation of the existing treaty as a step in compelling the exclusion of Chinese immigrants. Interest in the subject quickly developed into genuine enthusiasm, which in turn became an insistent clamor not to be denied. The President therefore appointed a special commission headed by James B. Angell, President of the University of Michigan, charged with the negotiation of a modification of the Burlingame Treaty.

The Treaty of 1880 was the result, according to which the United States may "regulate, limit, or suspend" the coming or residence of Chinese laborers, "but may not absolutely prohibit it. The limitation or suspension shall be reasonable." It was also stipulated that other Chinese subjects, as well as Chinese laborers then in this country, should enjoy full protection and freedom to go and come, with the privileges of citizens and subjects of the most favored nation.

The newly organized American Federation of Labor promptly expressed its approval of the limitation or suspension of Chinese immigration by the adoption of the following resolution, which reflects the consistent attitude of organized labor from the beginning:

> Whereas, the experience of the past thirty years in California and on the Pacific Coast having proved conclusively that the presence of Chinese, and their competition with free white labor, is one of the greatest evils with which any country can be afflicted;
> Therefore be it
> *Resolved,* that we use our best efforts to get rid of this monstrous evil (which threatens, unless checked, to extend to other parts of the Union) by the dissemination of information respecting its true character, and by urging upon our representatives in the United States Congress the absolute necessity of passing laws entirely prohibiting the immigration of Chinese into the United States.

Denis Kearney, of sand-lot oratory fame, who had long been employing the slogan, *"The Chinese must go!"* with such effect in his fervid grandiloquence, is said to have summed up his opposition in these words:

> The Chinaman wurrks all the toime, and we don't want any men in this country who will wurrk all the toime.

Congress was not long in passing a measure to suspend immigration; but President Arthur vetoed the bill passed in December, 1881, primarily on the ground that the proposed suspension of Chinese immigration for twenty years was not "a reasonable suspension or limitation," but that it constituted "a breach of our National faith."

The Exclusion Bill of 1882, however, warmly championed by United States Senator John F. Miller and many others, was approved by the President and became effective on May 6, 1882. This suspended immigration of Chinese laborers for a period of ten years and provided that departing Chinese who contemplated returning to this country should possess identification certificates. Neither the Exclusion Act of 1882 nor the interpretations placed upon the Treaty of 1880 by American courts proved satisfactory to the Chinese government, which announced that it had temporarily suspended the issuance of certificates to emigrants. The position of the Chinese government would seem to have been well taken, in view of the massacre of twenty-eight Chinese in Wyoming Territory in September, 1885, and similar outrages in Washington Territory, where the local authorities were not always strong enough to afford protection to the Chinese. In consideration of the losses sustained in Wyoming, provision was made by act of Congress to indemnify the Chinese government.

The agitation against the Chinese continued, becoming even more inflamed. The Chinese minister at Washington well realized that the presence of his countrymen "aroused hatred and intolerance on the part of certain elements of the population." Cases of violence and outrages against the Chinese increased, and a spirit of retaliation was shown in China. Extended correspondence between Secretary Bayard and the Chinese minister reviewed all phases of treaty relations and the recent outbreaks. A new treaty was signed on March 12, 1887, but the Senate refused to ratify unless certain amendments were included, thus checking pending negotiations.

The Scott Act of 1888 prohibited the issuance of further certificates to Chinese laborers, and so prevented their return to the United States. This law was held to be in complete disregard of Chinese treaty rights: Senator Sherman pronounced it "one of the most vicious laws that has passed in my time in Congress." Nevertheless, when its constitutionality was tested, the Supreme Court of the United States declared:

> It must be conceded that the Act of 1888 is in contravention of express stipulations of the treaty of 1868, and of the supplemental Treaty of 1880, but it is not on that account invalid or to be restricted in its enforcement.

Much diplomatic correspondence followed, Minister Chang expressing his amazement at "a doctrine that permitted the United States Government thus to release itself from treaty obligations."

The Geary Act became effective May 5, 1892, definitely prohibiting the immigration of Chinese for a period of ten years. As was to be expected, vigorous representations were received from Pekin, to the effect that the Geary Exclusion Act was most discriminatory since the existing treaty was in effect to be abrogated if in the least at variance with the harsh terms of the Act. Again the Supreme Court ruled:

> The provisions of an Act of Congress passed in the exercise of its constitutional authority must, if clear and explicit, be upheld by the Courts, even in contravention of stipulations in an earler treaty.

Diplomatic exchanges continued during the administration of President Cleveland, in the course of which the Chinese minister suggested the incorporation in a presidential message to Congress of a plea for "the repeal of the Geary Law, to the end that the stipulations of the treaties between the United States and China may be maintained and upheld."

On December 8, 1894, President Cleveland proclaimed a new immigration treaty, primarily based on the Treaty of 1880, regulating the entrance of Chinese laborers into this country. By this means did the United States meet the Chinese objections to the Scott Act, which had repeatedly been refused recognition.

In December, 1901, in view of the approaching termination of the Geary Act, the Chinese minister suggested "an adjustment of the questions involved, more in harmony with the friendly relations of the two governments." A deluge of memorials, petitions, and communications poured in upon Congress, and bills were introduced designed to bring about further restriction of Chinese immigration. In spite of Minister Wu Ting Fang's note to Secretary Hay reaffirming the position of the Chinese government regarding recent anti-Chinese legislation, Representative Julius Kahn was greeted with loud applause when he spoke in behalf of the Exclusion Bill and extolled the American laborer and mechanic.

After numerous hearings, long arguments, and the consideration of many amendments, the Exclusion Bill, "to prohibit the coming into and to regulate the residence within the United States . . . of Chinese and persons of Chinese descent," passed both houses of Congress and was

duly approved by President Roosevelt, April 30, 1902. By this act the principle of exclusion was made applicable to the islands belonging to the United States.

In 1894, the Chinese government having refused to continue the Immigration Treaty of 1894,—as a protest against the latest exclusion measures,—Congress reenacted and extended "without modification or any condition or stipulations as to time all laws then existing relative to the Chinese." Thus was definitely settled the many-sided question of Chinese exclusion.

While the history of Chinese immigration is not a record in which the American can take much pride, and admitting that political ambition, bigotry, and race prejudice have had a prominent part in the agitation, nevertheless few thoughtful students of the problem will now deny the contention that exclusion has in fact been of distinct benefit to the United States. The underlying fact of non-assimilation—whatever its cause—leads one to a recognition of the blessings of exclusion even while expressing regret that it could not have been brought about with a higher regard for the rights and sensibilities of a friendly nation.

The fact that the United States, unlike leading nations of Europe, refrained from the seizure of valuable Chinese territory, added to the generous return of the Chinese indemnity fund awarded after the Boxer uprising for the benefit of the education of picked young men, has done much to restore a friendly feeling. Other factors that have during recent years contributed to make China feel that she has no better friend among the great powers than the United States are the indisputable progress of Christian missions, with their superior educational and health development features, and the well-known sympathy among Americans for the youthful Chinese Republic.

CHAPTER XXXIII

DENIS KEARNEY AND THE WORKINGMEN'S MOVEMENT

During the decade following the Civil War a large number of foreigners resident in California were either unemployed or not satisfactorily adjusted to their employment. It is in the light of the discomfort, if not downright suffering, among great numbers of people that the origin of the Workingmen's Party is best understood. Economic conditions, already seriously disturbed, were becoming worse. In the meantime an unassuming printer of San Francisco was gaining an experience and evolving economic doctrines that were destined to carry his name and fame to all lands. Henry George stepped up out of the ranks of the printer into the realm of the editor. He felt the urge of writing something that he deemed important for all the people. It was he who inaugurated the eight-hour labor day movement. His prolific writings attracted wider and wider attention. Slowly and with painstaking care he evolved his single tax theory. *Progress and Poverty* was the result. This man, thought by many Californians to be "hare-brained, unpractical, and a dreamer," revealed singular purity of motives in life, and by his direct, sincere manner and devotion to the truth as he saw it, won the respect of even those who violently opposed his theories, in the end becoming a martyr to the principles which he believed to be for the highest well-being of the great laboring masses. As a result of the dry winter of 1876-77, there was general failure of the grain crop, and many cattle perished.

The general protest among workingmen generally took the form of renewed agitation for trades unions: there were frequent threats of strike and a growing demand for an eight-hour labor day. As pointed out by Lucile Eaves,

> California has furnished a fair field for every possible form of organization for improving the condition of the working people. Nowhere in the world has there been a more favorable economic environment, nor more absolute freedom for social and political experiments than was found in California during all the earlier periods of its development. The working people certainly made ample use of their opportunities.

The distress was not confined to the cities. Farm hands and other employes who had work were required to sleep in barns, were not permitted to eat with the families of their employers, and were in too many cases shown scant consideration relative to the conditions that make for decency, sanitation, and comfort. But idleness abounded. Tramps

seemed to be everywhere, constituting at times a rather serious social menace. In city and country district alike deprivation and suffering brought bitter discontent, which was only deepened by the ostentation of those who had so suddenly come into possession of large fortunes.

There can be no doubt that real destitution existed in 1876. Seven thousand persons were given relief in San Francisco alone by benevolent associations,—and distress was on the increase. By 1877 the labor situation had assumed a decidedly threatening aspect. Some 15,000 men were idle in San Francisco.

In July of that year a meeting was held in front of the new City Hall, under the auspices of the National Labor Party, to express sympathy with the strikers in the city of Pittsburgh. While there is no convincing evidence to prove that this meeting was motivated by lawless intent, it was natural to connect its leaders with the irresponsible attacks on a Chinese wash-house that came as a sequel. The news of labor riots in Philadelphia had the effect of fostering the spirit of violence in the California metropolis. The term "hoodlums" rapidly gained currency, as applied to "a class of rough and lawless youths," one of whose leading forms of diversion being to insult and torment inoffensive Chinese. It was only natural that the chief attacks should be directed against the Chinese, for they were now charged with having seriously encroached upon a number of trades, particularly shoe making and cigar making. Indeed, the agitation against coolieism had become a dominant issue in California.

It was becoming apparent to the merchants and leading citizens that something more than an attitude of passive observation of this condition of discontent and increasing lawlessness was required if the commercial and civic interests of the community were to be upheld and maintained. Late in July, therefore, a public meeting was called, at which it was determined to form a protective association under the presidency of William T. Coleman, of Vigilance Committee fame.

"Old Vigilante" proceeded to devise plans for a strong force of volunteers who should constitute a "Committee of Safety." This body was to act only in strict accordance with the law and to uphold the legally constituted authorities. The potential strength of the committee is illustrated by the fact that 1,760 rifles and 500 carbines were requisitioned and that certain United States vessels from Mare Island were brought to anchor conveniently near the city wharves.

But it was definitely decided that the Committee of Safety would not resort to the use of arms unless necessary: instead an order was placed for 6,000 hickory pick-handles, which on occasion might be used with telling effect as clubs. The "Pick Handle Brigade," numbering in all about 5,500 men, with 200 cavalrymen, proved entirely effective in quelling incipient riots. The real test came on the night of July 25, when a large disorderly element made an attack on the Pacific Mail Steamship Company's docks and steamers. The connection of this company with

the Chinese traffic made it a special object of attack. After two hours of fighting, in which the fire department and the police joined the committee, the crowds were dispersed, leaving several dead and wounded; and by midnight the backbone of the movement was broken and quiet was restored. The well-disciplined forces of the committee had shown good self-control, and having finished their work, were glad to withdraw from public view, ready to respond, if needed, to any subsequent call. Thus the "Pick Handle Brigade," another typical illustration of California's many dramatic episode and unique experience, passes into history, remaining, however, like the great Committee of Vigilance, a great potential force for many months.

In early September the San Francisco Trade and Labor Union reached the decision to sever all relations with existing political parties and definitely to enter politics as the Workingmen's Party of California. In its original declaration of principles the existing parties were charged with gross corruption and more satisfactory representation and protection of the interests of labor were demanded.

What is known as the Workingmen's Movement was formally launched at a meeting of about two thousand of the unemployed in San Francisco, on the evening of September 21, 1877. After listening to a speech by Philip A. Roach, the audience was treated to a characteristic harangue by Denis Kearney. As the question of labor then stood, declared Kearney, every workingman should add a musket to his household property. He ventured the prediction that within a year at least 20,000 laborers in the city would be "well armed, well organized, and well able to demand and take what they will, despite the military, the police, and the 'safety committee.'" He did not hesitate to suggest that "a little judicious hanging" would be the best course to pursue with offensive capitalists and stock sharps, whose occupation was that of robbing the people.

Kearney was born in 1847 in County Cork, Ireland. He arrived in San Francisco in 1868, having followed the sea from the time he was eleven years old. It seems to have been as first officer of a clipper ship that he took on the domineering air which characterized his leadership in the politics of California. In personal habits he was temperate, industrious, and frugal. In 1872 he was able to purchase a draying business, which prospered till his incendiary addresses led the merchants to withdraw their patronage. He was not naturalized till 1876. In personal appearance he was short and stout, "of coarse features, restless dark eyes, cropped black hair that stood up, quick motions and loud, penetrating voice." As a speaker he was forceful and fervid, now and again revealing a crude epigrammatic skill, and always possessing marvelous power to sway his hearers. His earnestness was often the eloquence of perspiration! As the old Roman orator always concluded his speeches with "Carthage must be destroyed," so Denis Kearney employed with telling effect the slogan, "The Chinese must go!"

On Sunday afternoon, September 23, an open air meeting of seven hundred unemployed workingmen was held on the vacant space in front of the new City Hall. This proved to be the first of a series of meetings, held at the same place, which had for their object the active cooperation of the workingmen of San Francisco, and which—on account of the place —went down into history as the "sand-lot gatherings." At the meeting J. G. Day was chosen president of the organization and Kearney was made treasurer.

At the meeting held a week later some very intemperate language was indulged in, which was a factor in bringing about a split in the ranks of the incipient party. Day was not sufficiently turbulent to please the Kearneyites. On the following Sunday afternoon, the two rival factions having met at the sand lots, and Kearney having previously been selected president of the more radical group, he used these words in referring to the dissenting workers:

> You will have to mob these white Sioux and white pigtail men first. You will have to shoot them down on the streets, before you begin on the Chinese.

In the meantime the followers of Kearney had, through a committee of five, prepared a set of principles upon which to establish the Workingmen's Party of California. This statement was, in part, as follows:

> The object of this association is to unite all poor and working men and their friends into one political party, for the purpose of defending themselves against the dangerous encroachments of capital on the happiness of our people and the liberties of our country.
>
> We propose to wrest the government from the hands of the rich and place it in those of the people, where it properly belongs.
>
> We propose to rid the country of cheap Chinese labor as soon as possible, and by all the means in our power, because it tends still more to degrade labor and aggrandize capital.
>
> We propose to destroy land monopoly in our state by such laws as will make it impossible.
>
> We propose to destroy the great money power of the rich by a system of taxation that will make great wealth impossible in the future. We propose to provide decently for the poor and unfortunate, the weak, the helpless, and especially the young, because the country is rich enough to do so, and religion, humanity and patriotism demand that we should do so.
>
> We propose to elect none but competent workingmen and their friends to any office whatever. The rich have ruled us until they have ruined us. We will now take our own affairs into our own hands. The republic must and shall be preserved, and only workingmen will do it. Our shoddy aristocrats want an emperor and a standing army to shoot down the people.
>
> This party will exhaust all peaceable means of attaining its ends; but it will not be denied justice, when it has the power to enforce it. It will encourage no riot or outrage, but it will not volunteer to repress, or put down, or arrest, or prosecute the hungry and impatient, who manifest their hatred of the Chinamen by a crusade against "John," or those who employ him. Let those who raise the storm by their selfishness, suppress it themselves. If they dare raise the devil, let them meet him face to face. We will not help them.

From the vantage-ground of a later time the Workingmen's movement is more clearly understood by having regard not only to the invasion of Chinese laborers but also to the system of landholdings inherited from the Mexican régime. The land monopoly which the new party proposed to destroy was by no means a pure figment of fancy. It was the tendency toward monopoly with the demand for servile labor that was held responsible for the Chinese invasion as well as much of the speculative spirit attending the agricultural and horticultural activities of the State. Many years later William H. Mills declared:

> This vicious land system was inherited from the Mexican Government. . . . The monopolized condition of the fertile agricultural lands of California from its earliest history to the present time, has constituted the greatest barrier to the industrial and commercial progress of the State, and to its moral and material well-being.

The work of organizing the new party which was destined "to overturn the government of the State" proceeded with vigor; and yet the new party is rightly to be regarded not as an isolated phenomenon but as the culmination of a course of political activity by organized workingmen during the previous decade. Nightly meetings were held at different points in San Francisco resulting in the formation of ward clubs. Kearney was everywhere the dominating spirit. On the 16th of October there appeared in the *Chronicle,* addressed to its editor, a manifesto, signed by Kearney as president of the new party, which recited in lurid language the intentions and purposes of sand-lotism. Appeal was made to the workingmen to organize and use their votes to rid our shores of Chinese coolieism and defend the laborers against shoddy aristocrats. But if peaceful measures fail, "it will be right for them to take their own affairs into their own hands and meet fraud with force." The people "will not be stayed either by 'Citizen' vigilants, state militia, nor United States troops. The people made these things, and they can set them aside."

One of the largest of all the workingmen's meetings was held October 29, when three thousand persons met on the top of "Nob Hill," virtually under the shadow of the palatial residences of several of the directors of the Central Pacific Railroad Company. The speeches were exceedingly inflammatory, which had the effect of heightening the pitch of public excitement that had been rising. The city authorities held a consultation with Kearney, but no understanding was reached.

While Kearney was addressing the crowd a few days later, he was suddenly placed under arrest and was taken to the city prison, one complaint against him being that he uttered language tending to incite the assemblage on "Nob Hill," and the other that he used similar language in an earlier speech.

The arrest and imprisonment of their vituperative leader raised the excitement of the workingmen to a still higher pitch, and afforded a not unwelcome martyrdom to Kearney himself. It was feared that an attempt

would be made that night to rescue him by force, in anticipation of which the military forces of the city were held in readiness. Meantime the Chinese inhabitants—not without reason—became fearful that their quarters would be made subject to attack and that they might be the victims of violence. A straightforward statement signed by the presidents of the Chinese Six Companies, was address to the mayor, in which attention was called to their precarious situation, and appeal was made for the preservation of peace and the averting of riotous attack and mob violence.

On the day following Kearney's arrest, while intense excitement pervaded the entire city, a large meeting of workingmen was held, as a result of which six prominent leaders, including J. G. Day, H. L. Knight and C. C. O'Donnell, were placed under arrest. A few days later the executive committee of the party issued an address to the rank and file admonishing against deeds of violence and counselling patience in the hour of trouble. It is but just to remark, in the words of a joint committee from the State Legislature, that—

> The quiet, patience, and resignation exhibited by the workingmen in the dispersion of their meetings, and the vigorous handling which they received at the hands of the police on these occasions is greatly to their credit.

After almost a fortnight in prison, Kearney and Knight were released on bail, and a few days later the cases were dismissed. Instead of seeking to allay the agitation, however, he gracelessly resumed his unrestrained attacks upon the public officials. Thanksgiving Day was celebrated with a grand demonstration, about 10,000 workingmen being in the line of parade. It was plain that Kearney's imprisonment had had the effect of largely augmenting his following.

It was resolved to push the organization in the interior of the State; hence Kearney and Knight set out on a speaking tour of the southern counties. There was but little response from the farmers, but in the principal towns eager auditors were not lacking. Promising groups were formed as far south as Los Angeles. The workingmen of Oakland in an address to President Hayes petitioned for the abrogation of the Burlingame Treaty, but without avail.

Early in January, 1878, about four hundred unemployed workingmen, led by Kearney, resolved to march to the City Hall to demand of the mayor, "work, bread, or a place in the county jail." Before reaching their destination the ranks were increased to a total of some fifteen hundred. When the mayor had indicated his powerlessness to grant their demands, the crowds convened at the sand lot and listened to some very demonstrative speeches. So incendiary was the language used at this and subsequent meetings that the leaders were arrested several times. The spirit of terrorism did not stop short of threats to "blow up the Pacific Mail Steamship Company's dock and steamers," to demolish the Chinese quarter by dropping dynamite bombs upon it, to encourage the use of "infernal machines" for the destruction of marked men, and openly to advise the

employment of bludgeons and firearms. The city authorities could not ignore the proceedings; the militia was invoked, a man-of-war sent as a protection to the mail docks, and the incendiary leaders again taken to prison.

As the result of the activity of a committee that proceeded to Sacramento for the purpose, the Legislature passed an act making it a felony to utter any language, in the hearing of twenty-five or more persons, with intent either to incite a riot, to commit any act of criminal violence against person or property, or to advise or encourage the same. The mayor of San Francisco issued a proclamation prohibiting unlawful assemblies, admonishing those chiefly concerned not to compel the use of force, and concluding with these words:

> Such assemblies, wherever held, in halls, upon the streets, or on sand lots, will be suppressed, and the supremacy of law and order resolutely maintained.

On January 21 the Workingmen's Party opened its first State Convention with 150 delegates, in San Francisco. The police were thrown off the scent of the meeting place, discovering the hall about midnight and finding the proceedings conducted in an orderly manner, with no occasion for dispersal. Kearney was chosen permanent president of the convention and a platform was adopted which inveighed against a government which "has fallen into the hands of capitalists and their willing instruments"; against Chinese cheap labor as "a curse to our land, a menace to our liberties and the institutions of our country"; and against "a corrupt ring of land monopolists," who have "appropriated vast tracts of the fairest land on earth to themselves." The platform is of real interest, in the light of subsequent developments. Several planks are quoted:

> Sec. 7. We demand the abrogation of the contract system in our state prisons and reformatory institutions. They should be managed in the interests of the people, and the goods therein manufactured should not be sold at less than current market rates for the product of free labor.
> Sec. 8. All labor on public works, whether state or municipal, should be performed by the day, at current rates of wages.
> Sec. 9. Eight hours is a sufficient day's work for any man, and the law should make it so.
> Sec. 10. All public officers should receive a fixed salary, and the fees should be accounted for as public moneys.
> Sec. 11. Millionaires and money monopolists are destructive to the happiness and dangerous to the liberty of the people, and we demand that they be made impossible by a proper system of taxation.

A state committee was selected and resolutions were adopted declaring the common school system "the foundation of our civilization, and it will be forever cherished by the workingmen's party"; the introduction of special lectures was advocated, "whose primary aim should be to uphold the dignity of labor and mechanical vocations as paramount to all other walks in life."

The Workingmen's Party had become in reality a powerful factor in State politics. Its leaders sought to influence municipal elections by a

series of visitations. Several of their candidates were successful in Oakland and Sacramento: the press of the State did not fail to recognize the new force.

But at the very time when the workingmen of California saw much promise in the organization which had grown so great, the forces of disintegration were doing their work. A damaging rumor gained circulation to the effect that Kearney had accepted some railroad money, and there were whisperings of venality about the domineering leader. His personal integrity and party loyalty were challenged, and it was alleged that he sought to have himself made dictator. There was consternation when, after an altercation, he was expelled from the State Committee and a little later actually removed from his place of leadership in the party, charged with corrupt practices and an attempt to advance his private ends through the organization of which he was the trusted leader. The upshot was a spectacle of two rival State conventions, held in different halls in San Francisco.

The Kearney Convention, numbering fifty-seven delegates, expressed its confidence in its leader by electing him president and declaring him "worthy to rank among the great organizers of history." A long platform was adopted and thirty-two men were elected delegates-at-large to the State Constitutional convention, which was to convene in September of that year. The anti-Kearney Convention, while attended by but a small number of delegates, likewise adopted a platform, and elected delegates to the constitutional convention from the first congressional district.

The effort on the part of Republicans and Democrats to secure the election of non-partisan delegates to the constitutional convention was only in part successful, chiefly on account of the attitude of the Workingmen's Party in bending its energies to the work of securing a strong delegation. Further reference is made to this subject in another chapter.

After the adoption of the Constitution of 1879 by the people of the State, the Workingmen's Party held a State Convention at San Francisco in early June. Once again Kearney was elected president; and a long platform of forty planks, besides a number subsequently added, was adopted. A regular State ticket was nominated, headed by William F. White for governor. The strength of the party was shown in the September election when White received 44,482 votes, against Perkins, the successful candidate, who received 67,965 votes.

It remains only to record here that on May 17, 1880, the last State convention of the Workingmen's Party met in San Francisco to elect delegates to the national Greenback Convention in Chicago. After adopting a long series of resolutions, the Convention split on national issues, and ended in the decision of each branch to select a quota of delegates to the Chicago Convention.

The personal force and political influence of Denis Kearney are not minimized. Many of the measures advocated by the Workingmen's Party

under his leadership, while not original in California, were really advanced and progressive and not a few of them—as in the famous points of English Chartism—have in more recent years been engrafted into our regular industrial order and political system. Great impetus was given to the organization of labor; the eight-hour labor day was staunchily pioneered; there was consistent advocacy for the common school system and particularly for industrial and vocational education; land-monopoly and aristocratic capitalism were unsparingly denounced; and above all, Kearneyism played a leading rôle in bringing the agitation against Chinese coolieism to a climax not only in California but likewise in the national councils. Kearney's "skyrocket sort of notoriety" and the excesses and eccentricities of "sand-lot politics" were, after all, fairly typical as growing pains of the youthful giant of the Pacific—California.

CHAPTER XXXIV

THE SECOND CONSTITUTIONAL CONVENTION

On September 5, 1877, the electors of California, acting under Section 2, Article X of the Constitution, voted on the question of holding a convention for the purpose of revising the State Constitution. Because of defective returns from several counties, there was some doubt as to the actual results of the vote; but Governor William Irwin in his message to the Legislature declared that a majority had favored calling the Convention. Accordingly an act for the calling of the Convention was introduced into the Assembly, and, after considerable delay and no little controversy, it finally became law by virtue of the Governor's signature, April 1, 1878. On June 19 following, the election for delegates was held.

The Constitution of 1849 had endured far beyond the expectation of its framers, but its inadequacy to meet the needs of the phenomenally growing State had long been recognized. Indeed, the legislature had recommended to the people on at least four different occasions the desirability of a new constitution; but each time the proposal was rejected.

Specifically, the Constitution of '49—a noble document for its time—clearly revealed a number of serious defects,—its regulations concerning taxation were wholly inadequate, this entire subject containing less than four lines, thus inviting wantonness on the part of the legislature; there was no section on the subject of finance, rendering it easy for the legislature to borrow and squander virtually without limit; no provision having been made for separate senatorial and assembly districts, the populous districts could easily control elections at large, and many counties were without representation. Moreover there was no safeguarding of salaries and fees, the legislature had complete disposal of the public domain, and the pardoning power of the governor was held to be unrestricted. While there was a measure of truth with those who pointed out the defects, it is equally true that the shortcomings were exaggerated and that the real issue was considerably obscured by the mixed questions of the time and by the propaganda of the discontented.

On the part of leaders of the Republican and Democratic parties, there was an earnest attempt to approach the problem of constitution making on the basis of non-partisanship. The State committees of these parties met at the Palace Hotel in San Francisco on April 24th in an effort to fuse and to nominate a joint ticket of non-partisan delegates. Finding actual agreement difficult to attain, a petition was printed in the newspapers importuning certain well-known citizens to nominate delegates for

that district. Such a ticket was nominated on May 10, and other districts followed the example of San Francisco. In a majority of the counties the parties made joint nominations for delegates. In the congressional districts delegates at large were nominated without regard to party affiliation.

While the Republicans and Democrats were trying to get together, the forces of the Workingmen's Party were falling apart. As the result of a quarrel at the meeting of the State committee on April 27, Denis Kearney was expelled from the committee and later removed from the presidency of the party on charges of corruption and the use of the organization for personal advancement. Thus were the two State conventions of workingmen, instead of one, meeting in different halls in San Francisco, on May 16. The county delegates were uncertain which convention they should join; but Kearney's powers of leadership decided the matter and he was made president of the majority group of country delegates. Frank Roney was made president of the anti-Kearney Convention, which had but a slim attendance.

In accordance with statutory provision, the election took place June 19, 1878, with the result that there were elected a relatively small number of men of conspicuous ability, a like number of little or no qualification for such a task, and a strong majority of delegates of respectable mediocrity. It is a fair comment to remark that, judged in the light of their time and opportunities, the delegates of '78 would not compare very favorably with the men of '49. And in this instance it would be preposterous to claim that delegates were chosen without the scheming of political leaders and with no other interest than to serve their State as a whole. In singleness of purpose and adherence to lofty political ideals the delegates to the second Constitutional Convention failed to maintain any such level as had their predecessors at Monterey. It must be added, however, that leading Republicans and Democrats had agreed to oppose the radicalism of the Workingmen's Party, with which for many purposes the Granger group readily combined.

As to the political complection of the delegates chosen, it is to be noted that a number of the Republicans and of the Democrats were not ready to cast in their lot unreservedly with the non-partisans. A poll of the personnel shows that there were seventy-eight non-partisans, fifty-one workingmen, eleven Republicans, ten Democrats, and two independents. A number of the country delegates had been more or less closely identified with the Granger movement; and because of their somewhat radical views they found it possible, on several important questions, to effect a combination with the workingmen and with them to constitute a majority.

Before actually taking their seats death claimed Henry Haight, a delegate at large for the second congressional district, and George M. Hardwick, delegate from Mariposa and Merced. After being enrolled as a workingmen's delegate, Thomas Morris was found to be ineligible on account of not being a citizen; accordingly he resigned.

Almost literally it may be said that all sorts and conditions of men were to be found in the Convention. As to vocations, the lawyers predominated, with fifty-nine delegates; the farmers came next, with thirty-six; of physicians and miners there were five each; a wide range of labor and business callings had at least one representative each. Thirty-five delegates were of foreign birth.

The delegates elect met in the Assembly Chamber of the State Capitol at 12 o'clock, noon, September 28, 1878, and were called to order by Governor William Irwin, who, after roll-call by Thomas Beck, Secretary of State, administered to each the following oath:

> I do solemnly affirm that I will support the Constitution of the United States and the Constitution of the State of California; and that I will faithfully discharge the duties of the office of member of the Convention to frame a new Constitution for the State of California according to the best of my ability.

The Convention then adjourned until the following Monday. The fifth ballot resulted in the choice of Joseph P. Hoge as President by a vote of seventy-four, to seventy-three for W. J. Tinnin. Hoge was an experienced man who had represented the State of Illinois in Congress and more recently had served as a judge in the Superior Court of San Francisco. Joseph A. Johnson, who was elected secretary, afterward resigned and was succeeded by Edward F. Smith. E. L. Crawford and George E. McStay were chosen clerks, and T. H. Sherwood, sergeant-at-arms.

On being introduced by the Governor, Colonel Hoge made a brief address to the Convention in which he said:

> This is not an ordinary convention. We have been sent here from every section of the State for the very great purpose of framing a new system of government for this glorious new State of ours—a Constitution which shall protect every interest of every section of the State. Justice to all; favors to none. [Applause.] We are all standing upon the plane of the Constitution with equal rights with equal responsibilities. Such, I have no doubt, will be the opinion of this body, and I say, as it is my duty, so will it be my pleasure to cooperate with you for these great ends in the performance of all your duties. We have met, gentlemen, at not the most favorable time for making a Constitution. For many causes there seems to be very great depression in the business and industrial enterprises of the country. To some extent we have fallen upon evil times, but, gentlemen, the energies of this country and of our people I think already begin to open the chances for relief, and . . . with a Constitution which is based upon justice, and which bears equally upon all interests throughout the entire State, with the recuperative energies of our people, with the vast resources at our command, with the integrity of our people, with their faithfulness to principle, I think we may safely—in the language of a statesman, now no more, delivered on a former occasion—commend our country and our State to the common parent of us all.

The general discontent of the time seemed to find frequent expression on the floor of the Convention. Points of order, sometimes over trivial matters—appeals from the chair's decisions, and questions of personal

privilege consumed not a little time. Such a tendency was perceived and deprecated by some, but because of the political make-up of the delegates, it was difficult to curb. In the course of the tangled debate on "Phonographic Reporters," Thomas B. McFarland said:

> Mr. President, there is always a great deal of learning expended upon questions of order at the opening.

But he concluded his own speech with the words: "Therefore, I make the point of order, that the substitute is out of order!" A little later on Joseph W. Winans, in connection with the contest to fill the vacancy caused by the resignation of Thomas Morris of San Francisco, shed a light on the political complection when he asserted that

> the voice of the people of San Francisco has no expression on the floor of this Convention. The old political parties were divided and split among themselves. The result was brought about by unhappy dissensions among the old parties. The present local delegation does not represent a majority of the voters of San Francisco. We divided among ourselves and fell a victim to our own dissensions.

It required seven ballots to elect Thompson to fill the vacancy!

There was prolonged and vigorous discussion on the question of the phonographic report. After hours of dreary debate Reynolds rebuked the delegates for spending "the entire session talking about it." "Here we are talking away two thousand dollars a day, while the total cost in the difference we are contending about will only amount to a few hundred dollars in the end. Let us adopt the report . . . , stop this talk and get to business."

On the second of October the President announced the Committee on Rules and Order of Business, as follows: Messrs. Estee, Edgerton, Overton, Mansfield, Schell, Berry, Fawcett, Reynolds, West, Holmes, Murphy, Dudley, Pulliam, Tinnin, and Waters. It was five days later when the committee, through its chairman, Morris M. Estee, presented its elaborate report, which comprised seventy-three rules and provided for thirty standing committees.

With the adoption of the rules on October 8, the Convention was ready to receive propositions for constitutional provisions. And they came, in almost endless variety! Nearly every Workingman had at least one to present. Barbour led off with a resolution to abolish the office of Lieutenant Governor and a second advocating a single legislative chamber.

We must content ourselves with brief consideration of the major issues of the Convention and still briefer mention of some of the questions that received less attention from the delegates. A topic of much importance—indeed that had in no slight degree been made the occasion for calling the Convention itself—was that of Revenue and Taxation. One of the first propositions was to the effect that no person should pay taxes on his indebtedness; one would make the payment of the poll tax a qualification for suffrage; an ad valorem tax on all property was urged in another; an income tax and a graduated tax on estates of deceased persons were sought by others.

The point of main contention, however, was on the taxing of mortgages and solvent debts. William W. Moreland of Sonoma proposed a clause by which "bonds, notes, mortgages, evidences of indebtedness, solvent debts, franchises and everything of value, capable of transfer or ownership" would be considered property and taxed accordingly. The opposition to taxing mortgages was led by Samuel M. Wilson of San Francisco, who argued that taxation should be confined to property that had tangible existence, and that debts, being creatures of the mind, were not proper objects for taxation. He pointed out that to tax mortgages would simply add to the burdens of the farmers and mortgagors, and that the proposed tax would double taxation and set back the State's development a decade. The Moreland amendment was finally lost, but to a large extent the same purpose was accomplished by the adoption of the complicated system described in Section 1 of Article XIII, as follows:

> All property in the State, not exempt under the laws of the United States shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided,* that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

That the article on taxation was the result of compromise is indicated by the fact that no other section of the Constitution was more susceptible of varied judicial interpretations nor more frequently amended in subsequent years. A State Board of Equalization was created, to consist of one member elected from each congressional district, whose duty was to be "to equalize the valuation of taxable property in the several counties, and also to assess the franchise, roadway, road-bed, rails and rolling stock of all railroads operated in more than one county in the State."

With respect to corporations, it was obvious that the combination between Workingmen and Grangers was working, although closer inspection showed there was by no means complete unanimity. On no question was there more debate. A Railroad Commission was created, to consist of three members to be elected at regular gubernatorial elections. Among the extensive powers assigned to the commissioners were, "to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies;" "to examine the books, records, and papers of all railroad and other transportation companies;" "to hear and determine complaints against railroad and other transportation companies;" "to prescribe a uniform system of accounts to be kept by all such corporations and companies;" and "report to the Governor, annually, their proceedings, and such other facts as may be deemed important."

It will be recalled that in the Constitutional Convention of 1849 there was manifested an extraordinary opposition to banks. In the interval local banks had been found very essential to the farmer: moreover, the stockholders and directors were largely local men whose interests were identified with the neighboring agriculture. It is not strange therefore that on this issue many of the Grangers sided with the country bankers, while not a few of the non-partisans made common with the Workingmen in their attack upon the city banks. David S. Terry's proposition that directors or trustees should be made liable to creditors and stockholders for moneys embezzled or misappropriated by officers evoked prolonged discussion. One delegate pronounced it "as absurd a proposition as had been presented to the Convention, and that was saying a good deal." When a vote was forced by the route of the "previous question," the measure was found to be carried by a considerable majority. The announcement was greeted with hearty applause; the Chairman cried, "Order! order!" One delegate, noticing gentlemen in the lobby applauding, threatened to move to clear the lobby if such a thing occurred again; but another exultingly said;

> I hope the gentlemen will not be particular. This is the first victory for the people that has occurred in four years.

The section reads as follows:

> Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporations or joint-stock associations during the term of office of such director or trustee.

The dire predictions about all bank owners and directors leaving the State, like many another utterance in the heat of debate, proved to be false prophecy.

The proposal of the eight-hour day for public work was the signal for more warm discussion.

> Eight hours shall constitute a legal day's work on all public work.

Here indeed was the very essence of radicalism. In bitter opposition James Caples pronounced the proposition ridiculous—every one knew that a ten-hour day was worth more than an eight-hour day! Its absurdity should be patent to all!

> Now, does any gentleman assume that one thousand five hundred pounds of barley is worth as much as two thousand pounds, or that eight hours work is worth as much as ten hours; or does he assume that it will command as much practically? I do not want to see the Constitution beaten as it will be if we leave this proposition in.

Eugene Casserly represented a very advanced view when he said:

> I believe that it may be said without risk of successful contradiction that the best judgment of enlightened men who have studied this problem is that the eight-hour day is a legitimate day's work for a single man. The scientific men who have worked on this subject in England and France all agree on this.

In spite of Caples' statement that he was working "pretty nearly fifteen hours a day," the majority of delegates voted that eight hours was right for the workingman. It should be remarked, however, that the fear expressed that contract labor would tend to nullify day's work was well grounded—bringing in a situation which was corrected in 1902 by the adoption of an amendment applying the eight-hour principle to contract labor.

Party lines disappeared when the Convention took up consideration of certain problems of education. M. M. Estee affirmed that the educational interests were the most important of all, and should be treated with commensurate dignity. Alphonse Vacquerel entered a "solemn protest against any measure to curtail education whatsoever," when the question of teaching no language but English in primary and grammar schools was discussed. "This clause is against American liberty," he declared, "and I hope it will be stricken out." Delegates of foreign birth quite generally favored other languages in the schools: one speaker referred to Germany's success in Germanizing Lorraine by forbidding the teaching of French in the schools. The limitation was finally stricken out.

The first section under education is in the main copied from the Constitution of 1849, and is as follows:

> A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

A later section defines the public school system as including "primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established. . . ." It is not necessary here to point out the numerous amendments that have from time to time modified the California public school system.

The University of California, contemplated by the men of '49, had been formally created by the organic act passed March 23, 1868. Section 9 continues:

> It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; . . . No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

Without regard to party affiliations the delegates entertained a sincere desire to advance the cause of education, a fortunate circumstance that has undoubtedly made generous contribution to bringing California to a

place among the world's foremost communities in the education of its childhood and youth.

California's Constitution of 1879 is most remarkable for its treatment of the Chinese. The debate on this question, coming after the restless days of the earlier '70s, in an atmosphere surcharged with "sand-lotism," afforded a unique opportunity for histronic pyrotechnics. Small chance had the "heathen Chinee" for a hearing on the floor of California's Constitutional Convention! Yet the most remarkable of all the speeches made was a comprehensive, dignified protest against engrafting a single anti-Chinese section into the Constitution, delivered by Charles V. Stuart, a Sonoma County farmer, to whom politics was distasteful and who, as a delegate, for two months had not taken the floor to say anything. He reviewed the history of the Chinese question, traced the international relations, and argued for the economic value of Chinese laborers, while declaring the idea of an overthrow of the Anglo-Saxon race by the Chinese empire to be preposterous, and demanding, in conclusion, "that the Chinese should be accorded the privilege of educating their children in the common schools," that persecutions against them should cease, and that the State should henceforth protect them in the rights of "life, liberty, and the pursuit of happiness," which our flag guarantees to all men.

Stuart's voice was overwhelmed in the ocean of opposition. The vast majority of delegates—it was perfectly well understood from the beginning—were adamant in uncompromising hostility to Chinese immigration. True, they were not all rabid like men of the type of Doctor C. C. O'Donnell; and yet on the main topic of securing an abatement of Oriental immigration, there was scarcely a dissenting voice—there was virtually complete unanimity. John F. Miller, as chairman of the committee on the subject, clearly stated there was not agreement on the various anti-Chinese sections reported, but said that the committee was unanimous that Chinese immigration was an evil; and as for himself, he was convinced that it did not lie within the power of the State to establish effective regulations for exclusion, this matter being within the exclusive cognizance of the United States government. The only practical method of securing exclusion was by national enactment. Appropriate memorials were drawn for presentation to Congress.

But leaders among the Workingmen were not satisfied; they clamored for more drastic measures by the State; "and, if not by the State, then by the people"—suggestive of mob violence. Relentless opposition to the Chinese was a fundamental principle of the Workingmen's creed. Some of the propositions were so absurd as to be laughable. One "sand-lotter" proposed to amend the Bill of Rights to read,

> All men who are capable of becoming citizens of the United States are by nature free and independent. [!]

And one member of the non-partisan group expressed the wish to incorporate in the Constitution Denis Kearney's slogan, "The Chinese Must Go!"

A number of anti-Chinese sections were adopted almost unanimously. Section 2, which forbade the employment of Chinese by all corporations, was later held to be in conflict with the national Constitution, and therefore void. Section 3 reads:

> No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Sweeping condemnation of Asiatic "coolieism" as "a form of human slavery" is found in Section 4, whose opening sentence reads:

> The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power.

Since other and more recent phases of the Chinese question are discussed in another chapter, it is unnecessary to make further reference to them here.

Only the briefest mention can now be made of certain other significant debates in the Convention. Champions of woman suffrage were there—men like James J. Ayres, who pleaded for the political equality of the sexes, and Vacquerel, who stoutly maintained that between the sexes there is no superiority, no inferiority: "The only difference is in the diversity of aptness to perform the same duties." But theirs were like voices in a wilderness. Woman suffrage in California was achieved in 1911.

The Legislature is forbidden to pass local and special laws in any of a large number of enumerated cases, including the following: Punishment of crimes and misdemeanors, practice of courts of justice, granting divorces, assessment and collection of taxes, exempting property from taxation, and all other cases where a general law can be made applicable.

Beginning with 1882 the labor of convicts was not to be let out by contract, the Legislature being enjoined to "provide for the working of convicts for the benefit of the State."

In discussing the right of eminent domain, the basis of valuation received special attention. The Workingmen strongly favored the clause, "at their own valuation as made for purposes of taxation;" but the motion to strike this out prevailed, leaving the determination of value to be by due process of law. "The exercise of the right of eminent domain," says Section 8, "shall never be so abridged or construed as to prevent the Legislature from taking property and franchises of incorporated companies and subjecting them to public use the same as properties of individuals."

The definition of the water rights of the State was a matter of much importance, especially in view of the vast arid areas which offered usurpers of water a tempting and practically unlimited field for extortion. The old Constitution was silent on this subject; but the new states that—

> The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; . . .

Referring to harbor frontage, an important section safeguards the interests of the public by declaring as follows:

> All tide lands within two miles of any incorporated city or town of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

The spirit of democracy of the Constitution of '79 may be illustrated by quoting a few brief excerpts from the Declaration of Rights:

> All men are by nature free and independent, and have certain inalienable rights.
>
> All political power is inherent in the people.
>
> The right of trial by jury shall be secured to all, and remain inviolate.
>
> Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.
>
> No property qualification shall ever be required for any person to vote or hold office.

Instead of adjourning at the expiration of the one hundred days originally allotted, the Convention continued its sessions for one hundred and fifty-seven days. On March 3, 1879, the engrossed copy of the new Constitution was presented for signature. So far as election of officers, commencement of terms of office, and meeting of the Legislature were concerned, the Constitution was to go into effect on July 4, 1879; for all purposes, at noon of January 1, 1880. All being ready, it was put to final vote and adopted as a whole by a vote of 120 to 15, with two pairs and sixteen absent or not voting. After adopting an address to the voters of California in favor of the new Constitution, the Convention adjourned *sine die.*

Two months after adjournment an election for the adoption or rejection of the new Constitution took place throughout the State; and, in spite of great opposition to it by many of the more intelligent and conservative citizens and a majority of nearly sixteen thousand against it in San Francisco, it was adopted by the State as a whole by a majority of nearly eleven thousand votes. Thus it was proclaimed as the fundamental law of the commonwealth of California.

It cannot be said that anybody showed any great enthusiasm for the new Constitution. It has aptly been remarked that the political make-up of the convention was "as varied as Joseph's coat:" to this may be added the statement that the result failed to inspire the genuine admiration of any of the component groups. In the view of Hubert Howe Bancroft, it failed to achieve the objects it particularly aimed at. The effect upon corporations was disappointing, the relations between capital were no less strained than before, and there was no satisfactory solution for the problems of revenue and taxation.

> "As to the constitution in general," says Bancroft, "the objections offered to it were that it hurried the state business too much by limiting

> the legislative sessions; hampered legislation with too many restrictions; introduced a new and untried plan of judiciary; created a triple-headed and dangerous supreme court . . . prohibited the sale of tide lands to a more than questionable extent; provided for removing the Chinese contrary to the restrictions of state power by the federal constitution; . . . took from the legislature the power to regulate fares and freights and gave it to three commissioners . . . made void every office in the state, without justice or discrimination, requiring elections for which the people had no time to make a proper choice of candidates; it legislated and experimented too much; was too long and loose; was not dignified . . . and in short, that much of the good to be obtained by it could be accomplished by legislation, but none of the evils proceeding from it could be thus remedied. It was only, said its enemies, a democratic platform elaborated."

California's Constitution is more than seven times as long as the Constitution of the United States. Since its adoption, it has been modified by innumerable amendments, until it has become seriously unwieldly. It has been claimed that more propositions have been put before the voters of California in three recent elections than before all other states combined! Many of the amendments are really statutory in character, having no rightful place in our organic law.

But with all its faults, it failed to check the marvelous progress of the State! Indeed, it can hardly be gainsaid that in the hands of a patriotic and resourceful people its defects are by far over-balanced by its practical virtues. In due time, no doubt, the great Commonwealth will set itself the dignified and worthy task of creating for itself a third Constitution, greater and better than either of its predecessors.

PART IV

California Fronting the World (1879-1925)

CHAPTER XXXV

THE REDISCOVERY OF CALIFORNIA'S NATURAL RESOURCES

American character and civilization have already undeniably been moulded and influenced by the novel aspects of the far western regions. The broad landscapes, the desert expanses, the serrated mountain chains, associated with abounding resources of nature in the forms of field and forest, of fur-bearing animals and mineral deposits, have ever since their discovery been a challenge to high adventure and bold enterprise. It was the trapper and the trader that traced the dashing streams to their distant sources and scaled the lofty mountain ranges. These hardy men, together with the early settlers who followed fast upon their trails, were the true pathfinders of the West: government explorers in truth found little that had not previously been discovered by them. These "restless rovers" gained intimate acquaintance with our western geography and its marvelous natural features; yet it was not to be expected that trappers and traders had the eyes to discern either the wondrous beauty or the full utility of what they beheld—and their successors, absorbed in other things, straightway forgot many of the trails they had blazed. It remained for men of a later time to rediscover that which had been forgotten, and with seeing eyes to perceive the higher values which had hitherto remained undiscovered.

As the course of empire has proceeded westward, western ways and western life have in turn been reflected *parri passu* upon the *mores,* the civilization itself, of the East. But as yet we have witnessed only the beginnings of a process which normally must continue with increasing momentum for ages to come. The unity of our national life is still in the making. The final resultant will reveal the powerful moulding influence of those forces which men call western. The marvelous facilities of transportation and communication in our day open the way for the geometric operation of the efficient forces. Marvelous and powerful are the factors that make for unity ond homegeneity in our broad land.

The natural features and climate of California, "the land of heavenly promise," so alluring to the early immigrants toiling slowly westward, are largely determined by the presence of the mighty Pacific along a coast line of more than a thousand miles and the north-and-south trend of lofty mountain ranges, west of the great central basin. The dominant physical feature of the state is the Sierra Nevada range of mountains on the east, constituting the loftiest and most imposing group in the United States.

Gilbert E. Bailey has fittingly referred to these noble mountains as "our skyline guardians controlling the climate and giving the State its many special charms." Of them the "Poet of the Sierras," Joaquin Miller, sings:

> Serene and satisfied! Supreme! As lone
> As God, they loom like God's archangels churl'd;
> They look as cold as Kings upon a throne;
> A line of battle-tents in everlasting snow.

John Muir, true Californian and most ardent lover of the Sierras, reveals a more human phase in his glowing message:

> Climb the mountains and get their good tidings. Nature's peace will flow into you as sunshine flows into trees. The winds will blow their own freshness into you, and the storms their energy, while cares will drop off like autumn leaves.

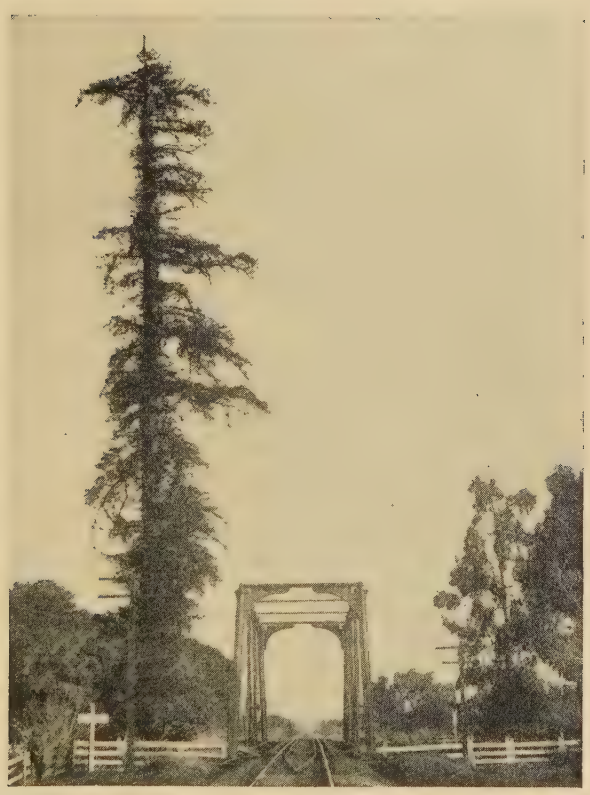
The geologists tell us that the rejuvenated Sierra Nevadas contain the highest peaks in the United States, Mt. Whitney, with its 14,501 feet, being the loftiest of all. Fifteen others exceed 14,000 feet, while seventy-five rise more than 10,000 feet. The scientist describes the massive range as "simply a great block of the earth's crust tilted to the west."

The Coast Range on the west, rising from 2,000 to 8,000 feet high, comprises "innumerable forest-crowned spurs, ridges, and rolling hill-waves which inclose a multitude of smaller valleys." The two ranges, joined in the north and south, thus surround and guard one of the country's most magnificent and most productive basins, the great central valley of California.

The Great Valley of California, including both the San Joaquin and Sacramento valleys, is the central feature of the State, a wonderful inland empire of itself. Stretching from south to north a distance of five hundred miles and varying from twenty to more than fifty miles in breadth, it covers approximately 20,000 square miles, thus being of larger extent than Vermont and New Hampshire combined, or greater than either Holland or Denmark. In elevation it rises from tide level, at the Straits of Carquinez, to 420 feet at Bakersfield, the southern end, and 800 feet at Redding, in the north.

The valley is in reality a "great structural trough," which in earlier geologic ages was no doubt a marine sea, later an immense bay or series of lakes. Of natural features perhaps the most striking are the "alluvial fans" bordering the edges of the valley, the apex of a fan being the mouth of a cañon. The fan itself is made of the soil materials washed out by the emerging stream, and is thus important to the agriculturist.

The Great Valley is well enclosed like a single immense ranch. The Sierra Nevada rises to impressive height on the east, the Coast ranges are the guardians on the west, while the southern end is hemmed in by a friendly joining of Coast Range and Sierras, and at the north Mount Shasta, "the grand old mountain of California," stands as a mighty sentinel, supported by the lesser mountains of the Cascade Range. Drain-



REDWOOD TREE (SEQUOIA) AND BRIDGE, PALO ALTO (TALL TREE)

age is provided by the Sacramento and San Joaquin rivers, by far the largest streams of California, which with their numerous tributaries constitute one of the most interesting and significant river systems of the North American continent. The only outlet to the great canoe-shaped valley is the "notch in the rim,"—that is the opening through the Straits of Carquinez,—thence through the Golden Gate into the broad Pacific.

A record of the productiveness of the Sacramento-San Joaquin Valley fills one with amazement. The transformation that has been wrought since the time of the American conquest, when Sutter's Fort represented practically the northernmost frontier of civilization, is marvelous to contemplate. On the wide-stretching plains the antelope were gradually yielding to the encroaching herds of cattle belonging to the easy-going rancheros, whose fixed abodes, however, were along the slopes or smaller valleys of the Coast Range. Then came the railroad and the age of wheat. The vast herds began to disappear from the heart of the valley, or were driven to remote grazing lands or mountain meadows. Fields of incredible dimensions were brought under the plow and great streams of golden grain poured into the holds of vessels at San Francisco for the markets of the world. Frank Norris has seized upon California wheat as the thrilling topic for his familiar trilogy. *The Octopus* is a story of wheat and struggle against monopoly in the San Joaquin Valley.

But the hey-day of wheat has likewise passed. The broad cattle ranges of the great interior valley of California, then the great grain fields have responded to the demand for intensive cultivation. With the development of transportation and of irrigation, the valley has been changed from a stupendous granary into a vast garden, which supports an ever-increasing population and sends forth choice fruits and vegetables and dairy products of a hundred varieties for dwellers in cities and far-away lands. To the old Californian, whose memory antedates the Southern Pacific Railroad and who experienced the difficulties of early travel, the transformation of the great valley, as observed from the swift moving train or the luxurious automobile, is an impressive revelation, a modern miracle. He has rediscovered his land of dreams now transformed into a marvelous land of fulfillment.

Among its great natural wonders California boasts three national parks and six national monuments. Of the former Sequoia National Park was first to be set aside, by act of Congress September 25, 1890, the purpose being to preserve "to posterity a magnificent grove of *sequoia gigantea*" (California Big Trees). Through the center of the park runs the great Kaweah Cañon, which in one place is over a mile deep. The park contains 161,597 acres, and in it are said to be more than a million *sequoia gigantea trees,* including "Nature's forest masterpieces,"—as John Muir has characterized the "General Sherman," which is "the largest and oldest living thing in all the world." With a diameter of thirty-six and a half feet, this majestic tree stands 280 feet in height.

The rugged, mountainous country lying beyond the borders of the park to the north and east, with its craggy Sierras and wildly grand cañons, has received the appellation "The Greater Sequoia:" this amazing stretch of glacier-sculptured granite, which gives birth to two as noble rivers as mountain ever boasted, is probably unsurpassed in the supreme artistry of its imperious wildness and grandeur. Kings River Cañon and Kern River Cañon will continue to prove an inspiration to increasing multitudes of hungry-hearted, nature-loving travelers.

In order to preserve an isolated grove of Big Trees, including the "General Grant"—second only to the "General Sherman" in size—the General Grant National Park was set aside October 1, 1890. This contains but 2,536 acres and is situated in Fresno County, only a short distance to the north of Sequoia. Like the larger park it is visited by tourists from all quarters of the globe. Quiet communion with these great trees, which were in the prime of their vigor when Jesus walked among men, never fails to have an awe-inspiring and salutary effect.

Closely akin to the Big Tree is the Redwood (*sequoia sempervirens*), which occurs along the coast from the Oregon boundary to Monterey County. The unique redwood forests have been pronounced most famous of California's arboreal resources. These have in recent years been rediscovered as a priceless possession for posterity: accordingly men of vision and a spirit of altruism have organized the "Save the Redwoods League," whose laudable objects include the rescuing from destruction of representative areas of the primeval forests, the establishment of a National Redwood Park as well as memorial groves for individuals and organizations, and the advancement of reforestation and conservation of forest areas. The redwood, scarcely ever found more than forty miles inland, delights in abundant moisture, equable climate, and comparatively low altitude; while the *gigantea* seeks higher altitudes, far from the sea, along the western slopes of the Sierra Nevada.

Finally comes Yosemite, "the incomparable," set aside October 1, 1890. Yosemite National Park contains 719,622 acres, with its three groves of *sequoias,* Mt. Lyell at the eastern border, and Yosemite Valley as its world-famous feature. Viewed as a unit Yosemite National Park contains more wonders of nature, magnificent scenes, glorious growths of flowers and forest trees than any similar area the world can boast.

Regarding the date of the discovery of the Yosemite Valley by men of the white race there has been not a little controversy. It has been stated positively by more than one writer that Joseph Walker camped at Yosemite November 13, 1833; but the evidence to support such a conclusion is not convincing. Ansel F. Hall has published an entry from the diary of Zenas Leonard, one of the explorers, which is believed to be the "first mention of Yosemite Valley by a white man." It is as follows:

> Some of these precipices appeared to us to be more than a mile high. Some of the men thought that if they could succeed in descending one of these precipices to the bottom, we might thus work our way into

> the valley below—but on making several attempts we found it utterly impossible for a man to descend, to say nothing of our horses.

Even during the first years of the gold rush the valley seems to have remained utterly unknown.

However, it has been well authenticated that the valley was actually entered by a company of the "Mariposa Battalion" under the command of Major James D. Savage, in the month of March, 1851. Doctor Lafayette H. Bunnell, a member of the company, later wrote:

> I did not fix the day of the month, but remembered that the discovery occurred during a long-continued rain and snow storm at about the time of the vernal equinox. . . . The importance of recording

YOSEMITE VALLEY FROM ARTIST'S POINT

> the date of the discovery of the Yosemite did not impress itself upon my mind at the time, for I became completely absorbed in the sublimity of my surroundings. It seemed to me that I had entered God's holiest temple, where were assembled all that was most divine in material creation. For days afterward I could only think of the magnificence, beauty, and grace of the waterfalls, and of the mountain scenery; and an almost total lack of appreciation of the event on the part of Major Savage caused me to think him utterly void of sentiment.

March 25 is given as the exact date for this discovery; although J. M. Hutchings claimed that the valley was first entered on May 5 or 6. It was in 1855 that Hutchings himself first visited the Yosemite, and for years since that date he did more "to bring the valley into public and appreciative notice than any other man."

Since Hutchings' first tourist expedition to Yosemite Valley in 1855, that marvel of nature has been the mecca of thousands of entranced visitors. These have re-echoed the sentiment so beautifully expressed by one who beheld the wonders in 1856:

> As though the enchantress of the woods had suddenly waved her magic wand o'er the mountains, was this fairy scenery opened up to our view. Thrilling sensations of awe pervaded our senses, which, as we approached, gradually subsided into pleasurable emotions of wonder and delight, similar to those produced upon the soul by distant music echoing among the hills and valleys in the quiet hours of midnight.

Galen Clark, pronounced by John Muir to be the best mountaineer he ever met in the Sierras, "truly and literally a gentle-man," who liked nothing better than "climbing to the top of a high ridge or mountain and looking off," was for many years Guardian of the Yosemite. The constancy of his kindness to visitors, his personal skill and daring, and his winning personality as a lover of Nature have made of him a beneficent "institution" worthy of grateful remembrance by old, true Californians.

With the coming of good roads and the automobile Yosemite has been rediscovered. The world knows of El Capitan, of Glacier Point of Bridal Veil and Nevada Falls, and of Half Dome. This exquisite poem in mountains and trees and waterfalls, wrought in California by the Supreme Author, is an inspiration point for all humanity. One of its best moods is expressed in the lines of E. F. Green:

> The silence of the centuries,
> The calm where doubtings cease,
> And over all the brooding of God's presence
> And the spell of perfect peace!
> O Granite Cliffs that steadfast face the dam,
> O Forest Kings that heard Creation's sigh!
> Teach me thy simple creed, that, living, I
> May live like thee, and as serently die!

In addition to the national parks, which have been created by Congress and which usually carry appropriations for their protection and administration, there are also within the borders of California six national monuments, whose names, at least, must be mentioned. These are: Muir Woods, the Pinnacles, Cinder Cone, Lassen Peak, Devil's Post-pile, and Cabrillo. National monuments are, as a rule, set aside by presidential proclamation to preserve objects of scientific and historical value, but are without special funds for maintenance.

The national parks and the national monuments possess values that are chiefly esthetic—though it cannot be said that they lack economic significance. However, there are in California eighteen national forests, which are primarily utilitarian—though there can be no doubt of their esthetic values. There is happily in our great natural resources a blending of the economic, the esthetic, and the spiritual aspects, rendering thus a higher service to humanity.

Perhaps in no other equal area in the world is there to be found so great a variety of tree life as in California. From the standpoint of the lumber industry the most important forest trees are the redwood, whose habitat is in the coast counties from Del Norte—with much irregularity—to Santa Cruz; several varieties of the pine, of which the sugar pine is the most valuable and the yellow pine most extensive; the Douglas fir and the spruce; and the incense cedar. The forest area of California—producing and potential—amounts to upwards of 19,000,000 acres, of which nearly two-thirds is at present owned by the government.

Fire and the ax are the two great menaces to the forest. Descriptions of fires that occurred even before the American conquest have been left by Alfred Robinson and M. Duflot de Mofras. Enormous losses have been entailed from year to year by disastrous forest fires, despite all the progress made in forestry and fire prevention. In the exceptionally dry year 1924 there were reported in California no fewer than 1,872 forest and brush fires. More than nine-tenths of the problem is protection from fires, and an equal proportion of the fires are attributed to human origin, the chief item being that of smokers of tobacco.

A great deal of valuable forest land was ruthlessly cut over before any definite conservation policy was formulated. The vital importance of forest conservation justifies a brief statement regarding early attempts at forestry in California. In 1839 the minister of the interior of Mexico issued a paper in which the influence of the devastation of forests upon droughts and the death of cattle was recognized, recommending restriction of cutting the forests and replanting cut-over areas. It is interesting to note that he also urged the planting of trees along the roadside. In 1845 regulations were adopted to prevent indiscriminate destruction of timber. Obviously the slight attempts of the Mexicans at conservation in California had no appreciable result.

Nothing of consequence was done during the early American régime to prevent the devastating forest fires or to restrict exploitation by lumbermen.

In 1876 a special agent was appointed by the Department of Agriculture to study the forest conditions of the country. The Division of Forestry was created in 1881; still little was accomplished till years afterward. In 1901 the Bureau of Forestry was established, and four years later the Forest Service was definitely organized. In the meantime the San Gabriel Forest was officially created in December, 1892, and by 1905 nineteen more forests had been added.

In 1923 the acreage of the California forests was 24,681,557. The definite work accomplished by the forest service includes forest protection, reforestation, and forest utilization. The greatest of all uses of the forests—and likewise the chief reason for their conservation—is their function as regulators of the water supply. It is impossible to overestimate the vital significance of the problem of developing and maintain-

ing adequate moisture to meet the needs of California's rapidly increasing population. In a thirsty land lack of water means inevitable death.

The national forests that have been set aside in California are as follows: Angeles, California, Cleveland, Eldorado, Inyo, Klamath, Lassen, Modoc, Mono, Monterey, Plumas, Santa Barbara, Sequoia, Shasta, Sierra, Stanislaus, Tahoe, and Trinity.

From a purely commercial point of view the national forests of California are valued at more than a quarter of a billion dollars, containing as they do one hundred billion feet of merchantable timber, located chiefly in the Coast Range from Lake County north, and in the Sierra Nevadas from the Oregon line south to Kern County. They protect the sources of nearly all streams that supply the State with water and power, contain a third of all its timber, provide forage for live stock, and—best of all—afford ennobling recreation for many thousands of people. The habit of camping out, so strongly ingrained in the Californian, must more and more find expression in the ample national forest reserves. Tourists now attracted by California's great summer playgrounds number annually into the millions. Angeles National Forest of southern California has become the greatest mountain playground in America; while Tahoe National Forest is one of the most beautiful and deservedly popular.

Among all the states California was the first to establish a board of forestry, which was done in 1885. The first work of the board was educational—the collection and dissemination of information regarding forest conditions. In 1887 police powers were granted and appropriations made for expanding the work. But because of the intrusion of "politics," the board was abolished by legislative act in 1893. The experiment stations at Chico and Santa Monica were turned over to the department of Agriculture of the University of California. Despite the marked need and the rapid development along other lines, forestry in California was virtually at a standstill during the decade following 1893.

In 1905 a new law created a State Board of Forestry with the office of State Forester, and serious work was begun on a campaign of popular education and law enforcement. The State has acquired title to parks from time to time with the laudable object of preserving the natural, wild beauty from exploitation by industry and from the encroachment of "private companies or even municipal corporations." The State parks now include: California Redwood Park, along the Eel River in Humboldt County; the Bidwell tract near Chico; Bolling Memorial Grove; Burney Falls Park in Shasta County; Humboldt Redwood Park; and the McMeehan, Roberts, and Dyerville Flats tracts.

The counties were slow to develop any real cooperation with the work of the State Forester, as late as 1906 there being but ten counties actively participating in the forestry movement. But in 1911 a definite plan of county forestry was instituted by legislative enactment. The county supervisors may now appoint boards of forestry, whose duty it is "to have exclusive charge and control of all shade and ornamental trees,

hedges, lawns, shrubs, and flowers to be grown upon the public roads, highways, grounds, and property in the county."

Chief place among private individuals who labored for the preservation of the California forests must be accorded to John Muir, who, after his "First winter in the Sierras" in 1868, began his unique work to prevent the destruction of the State's wonderful heritage of natural scenery. The influence of the quiet, persistent efforts of this great but gentle soul—lover *par excellence* of California at her best—is beyond computing. Other names that will ever be held in grateful remembrance for notable contributions toward preserving California forests are William Kent, Stephen T. Mather, Mrs. Annie E. K. Bidwell, Mrs. Zipporah Rush, Mrs. William H. Crocker, Governor George C. Pardee and William F. Bade. Likewise the movement owes much to the encouragement and inspiration imparted by Gifford Pinchot, first Forester of the United States, and later Governor of Pennsylvania.

As an outgrowth of the Eureka Women's Club movement, the Save the Redwoods League was organized in 1919, having as its special objects the rescue from destruction and the preservation for posterity of representative areas of the primeval redwood forests. The League has been active in securing by purchase and gift memorial groves for individuals and organizations, and in carrying on a nation-wide educational program. The cause of the Women's Club of Eureka has been espoused by the State Federation of Women's Clubs, which in turn has been joined by the National Federation. Two boys' organizations, the Boy Scouts and the Western Rangers, have also made forest conservation a significant part of their programs. Add to these such organizations as the California Forest Protective Association, the Native Sons of the Golden West, the Sierra Club, the American Legion, and the American Reforestation Association, and it will be perceived that at last the importance of preservation and conservation of the priceless heritage of our California forests is becoming fully recognized, and that therefore their frightful devastation by fire and ax will not be permitted to continue. To employ the words of another, "With nation, state, county and people working together, the forests of California will be made as safe as is humanly possible." Under the direction of such agencies as the California Forest Protective Association the beauties and utilities of the forests are being re-discovered. As evidence of this, during the winter of 1924-25 approximately a million and a half of young redwoods, Douglas fir, spruce, and cedar trees were planted on cut-over lands in Mendocino and Humboldt counties alone.

A bounteous natural resource in whose possession California stands unsurpassed and which has been hitherto too little appreciated consists in her many and varied mineral springs. These are of a very wide geographical distribution, from Siskiyou to San Diego, and of various qualities of healing. Lake County is particularly rich in the number and variety of its mineral waters. Some of the best known springs of the State—to mention only a few—include Bartlett and Hot Borax Springs

SCENES ALONG THE EEL RIVER (REDWOOD FOREST)

(From Pictorial History of California.)

of Lake County, the Geysers and Skaggs' Hot Springs of Sonoma County, Calistoga Hot Springs and Geyser of Napa County, Arrowhead Springs of San Bernardino County, Elsinore Hot Springs of Riverside County, and El Paso de Robles Springs of San Luis Obispo County. In ever-increasing numbers the people from near and far are discovering the beneficial results as well as pleasurable experiences to be attained by a sojourn at some one of the myriad of California's mineral springs.

Two of the most significant agencies in the re-discoveries of California's natural resources are the automobile and good roads. The year 1896 marks the beginning of the "motor vehicle era" of the United States. It has been aptly remarked that although California is separated from the birthplace of the "benzine buggy" by mountain chains, rivers and vast stretching plains, California quickly reached across these barriers and "plucked the motor car to her bosom." Her eagerness to adopt new ideas and the fine opportunities afforded for its employment explain the phenomenal growth in the use of the automobile. When in 1915 the motor vehicles of the State reached the astonishing number of 130,000, people began to wonder how much higher the number would go: ten years later, when the number is multiplied ten fold, no one has the hardihood to suggest what limits may be reached.

Hand in hand with the automobile is the good road. In 1910 the State Highways Act was approved by the people of California, providing for a bond issue of $18,000,000 "for acquiring and improving in a permanent manner, a system of highways by the State." This system, to quote from the act itself, was to be

> so laid out and constructed or acquired as to constitute a continuous and connected State highway system running north and south through the State, traversing the Sacramento and San Joaquin valleys and along the Pacific Coast by the most direct and practicable routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such State highway.

In accordance with this act State Commissioners were appointed by Governor Hiram Johnson. After careful consideration, four trunk routes were established. Starting in Del Norte County in the extreme northwest, one follows the coast in a general way, passing through Eureka, Ukiah, and Santa Rosa, and making ferry connection for San Francisco at Sausalito. Continuing southward, the second route begins at the limits of San Francisco, passes through San Mateo, Redwood City, Palo Alto, San José, Salinas, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Santa Ana, terminating at San Diego. Together these comprise what is known as the Coast Line. The third begins at the northern boundary, where it joins the Oregon section of the Pacific Highway, and links Yreka, Redding, Red Bluff, Yuba City, and Marysville with Sacramento; while the fourth continues southward through the San Joaquin Valley by way of Stockton, Modesto, Merced, Madera, Fresno, and Bakersfield,

winding over the Tehachapi Mountains into San Fernando Valley and Los Angeles.

Many secondary roads and laterals have been added to the State highway system, which is constantly undergoing improvements and extensions. The counties and cities have supplemented the State in the construction of permanent streets and highways, until California has come to enjoy a unique reputation in the motor world as the land of good roads. And what use the people have learned to make of them! All classes of motor vehicles are found upon the highways—the luxurious family car of the wealthy tourist, the modest run-about of the small business man, the heavy auto truck for freighting, and the commodious stage, with its regular schedule and extensive passenger service. The auto-stage has almost suddenly become a large factor in the transportation of passengers for long as well as short distances, while in cities the auto-bus has become an important auxiliary to the street car system.

Not only the mountains and the forests of California are being re-discovered but likewise the seaside, the attractive beaches, and the mighty Pacific, upon whose waters Balboa gazed enraptured more than four centuries ago. Out of the heated valleys each summer multitudes throng to the cooling breezes of the ocean. And as increasing numbers of tourists come trooping to the Golden West by train, by automobile, and by ocean liner—during the winter as well as the summer, California is coming to be one of the leading playgrounds of the world. Visitors from afar have discovered that every season has its special charm.

To illustrate how the esthetic blends with the commercial and utilitarian, let the reader consider the snowy mountain heights and the desert plains. As children often have we beheld the distant expanses of snow —beautiful and terrible, it seemed—with never a thought that it could really serve mankind; but latterly we have been taught to discover in the snow-fall one of the greatest material blessings to all the people, for it is at once the chief source of the water for irrigation and of the hydro-electric power of the State.

In 1891 a fund was advanced to A. G. Wishon and W. H. Hammond by the latter's brother John Hays Hammond for the development of hydro-electric plants on the Kaweah River. This fund was absorbed and Wishon was virtually without means when, in June, 1899, he was ready to solicit the patronage of the farmers about Lindsay. His pioneer electric irrigation system was called the Mount Whitney Power Company. By 1905 its supply had increased from 175 horsepower to nearly 1,800 horsepower, and by 1911 to 6,500 horsepower. In 1917 the Mount Whitney Company was absorbed by the Southern California Edison Company of Los Angeles, and six years later this great company was operating power plants to a capacity in excess of 500,000 horsepower, of which three-fourths was hydro-electric. Likewise the Pacific Gas and Electric Company of San Francisco developed during 1924 for agricultural purposes an

aggregate of 176,347 horsepower, representing an increase for that corporation of 356 per cent in a dozen years.

For 1924 California marketed more than nine and one-half billion horsepower hours of hydro-electric energy, which was in excess of one-eighth of the total of the United States. In 1925 California stands pre-eminent as the leader in electric power among western states and as "the great hydro-electric power State of the Union." While New York and Pennsylvania lead in actual power developed, neither of them approaches California in per capita production.

The great bone of contention is as to the manner of disposing of this remarkable heritage of power. On the one hand are the water conservationists, who insist that "both water and power be continued in the possession of the State to be furnished by the people at cost of production," while on the other are the privately owned power companies, which claim that the power, as a by-product of the water, must be reserved for private ownership and development. An attempt to co-ordinate the water development with the State's credit back of it was made in the State Legislature in 1921. In 1922 an elaborate measure in the interest of public ownership, known as the California Water and Power Act, was submitted to the voters under the initiative provision: failing of adoption, it was again submitted in 1924, when it received some 320,000 votes but failed to carry. The problem of ownership is part and parcel of one of the greatest of our national issues, and still remains unsolved.

In the meantime six hydro-electric power companies in the State are supplying electric service to the people. Of these the Southern California Edison Company, with headquarters at Los Angeles, serves nearly 250 cities, towns and rural communities and is carrying forward an enormous development program. The Pacific Gas and Electric Company, with headquarters at San Francisco, serves the great bay district and important counties to the south. Other important companies are the California-Oregon Power Company, the Great Western Power Company, the San Joaquin Light and Power Corporation, and the Southern Sierras Power Company.

The waste places of California are being re-discovered as sources of great treasure. Under the magic touch of moisture, drawn from the summit snows, millions of acres are made to bring forth abundantly and the desert becomes a garden. Death Valley, Owens Lake, and other stretches which call back forbidden memories, are rich in valuable resources like borax, common salt, soda, and potash. We have learned that California produces more than fifty different rocks and minerals on a commercial basis. These are brought to the markets of the world by means of good roads, and mountains of cement are being made over into good roads.

The real wonders of California are just becoming known round the world. In an address to the students of Stanford University Lord Bryce caught the true vision when he said:

> California today occupies a unique position. Because of its advantages and resources it is destined to be the future home of a great people.

With great caravans of motorists rolling hitherward, supplemented by multiplied passengers on Pullman cars—to be followed by still others in giant ships of the air—it is now possible to perceive that a new westward movement has set in. California has once again become the American frontier—this time more wonderful and splendid than of old! "Again and again in California," writes Edwin Markham, "great Nature, the mystic world mother, has sounded the note sublime. Seashore, desert, mountain, giant tree, strange valley, towering cliff—all have been staged for a world spectacle, a drama of magnificance."

Under an act of the Legislature the Golden Poppy was in 1903 made the State Flower of California. The first naturalist to picture and describe this flower was Louis de Chamisso, who, with Johann Eschscholtz, went on a scientific expedition commanded by Otto von Kotzabue, under the patronage of Count Romanzoff of Russia, in 1815. De Chamisso, a native of Germany, is said to have become the most eminent naturalist of Europe of his time. In 1820 he published drawings and a description of the California Poppy, and in honor of his friend he gave it the name *Eschscholtzia* for him, and for its habitat, *Californica.*

It is found throughout the length of the State, from Baja California into Oregon and Washington, and eastward through Arizona and Nevada into New Mexico and Utah. It grows most luxuriantly and in greatest profusion in California proper. Endowed by nature with a vigorous vitality, it persists for years even where the soil is cultivated. There is every prospect that we shall always have the poppy.

The State Flower is also known as *Copa de Ora* (Cup of Gold), Flame Flower, and *La Amapola.* Without question, however, the name Golden Poppy will always remain the most popular. It has thus been described by Prentiss Maslin:

> The California Poppy is a brazen, garish flower. It shuns the woodland, and, unsheltered, fairly revels in the warm sunlight. It possesses none of the modesty of the violet, the sweetness of the lily, nor the beauty of the rose, but standing alone and unique, it compels our admiration because of its wonderful coloring and sheen, which refuse to be transferred by the limner's art to board or canvas. It wins its place by its transcendent beauty, and lovers of nature, having once reveled therein, the memory of it lives a lifetime.

To this Doctor David Starr Jordan adds the following:

> The flowers of *Eschscholtzia California* are normally of a deep, rich orange, the four petals with entire edges and each an inch and a half long. Near the seashore the flowers are smaller, of a more or less clear yellow, lemon yellow, orange at base or not. . . . In several spots the flowers are of a light creamy yellow, the petals holding their place, when plucked, longer than the orange form. Another group has large flowers of citron color.

Among the descriptive writers of California, as well as among her artists, the Golden Poppy is a conspicuous subject. This plant, "which

is the glory of California meadows," is indeed typical of the great Golden State, land of perpetual sunshine, where nature disports her wondrous wardrobe and where even the lowliest share her wanton regal beauty with the mightiest of the mighty. As one has said: "California is well named the 'Golden State,' for that appellation has a four-fold fitness—in the gold of its mines, its sunshine, its oranges, and its most popular flower." Californians of every rank and station gladly join with Ina Coolbrith in singing the immortal praises of the Golden Poppy:

Thy satin vesture richer is than looms
Of Orient weave for raiment of her kings;
Not dyes of olden Tyre, not precious things
Regathered from the long-forgotten tombs
Of buried empires, not the Iris plumes
That wave upon the tropic's myriad wings,
Not all proud Sheeba's queenly offerings
Could match the golden marvel of thy blooms.

CHAPTER XXXVI

POLITICAL HISTORY TO 1901

In the matter of political parties California cannot boast of any very consistent orthodoxy. Many and kaleidoscopic have been the reorganizations of the old parties and the adventures into the new. It has repeatedly happened that before a certain new alignment could by any possibility become thoroughly familiar to the people a still newer sentiment for readjustment or reform has arisen and perhaps a new party has been formally launched only to be overwhelmed, in its turn, by a fresh demand to restore and solidify one of the old parties. In the maintenance of party regularity—which may in any case be regarded as a doubtful political virtue—California cannot boast very high rank.

On May 10, 1879, immediately after the new Constitution had been adopted by state-wide vote, a mass meeting of citizens friendly to the Constitution was held at Stockton whose object was the formation of a new party, to be composed of men who agreed to support the new Constitution. A week later leading advocates of the movement met in conference in San Francisco, Cornelius Cole being chosen chairman. Among the resolutions adopted were the following propositions:

> That for the good of the state we will here and now sink all past political differences, and maintain that position until California is firmly and securely planted upon the foundation of the new constitution.
>
> That this organization shall be known as "the new constitution party," and that this shall be our shibboleth.
>
> That we know no national issues or national politics in this campaign; that we rise above all parties, at the same time leaving every voter hereafter to act for himself in matters appertaining to old party lines, as he shall be advised.

As might perhaps have been expected, the Workingmen were pronounced in their opposition to the new party movement, refusing to abandon their organization or to participate further in the conference. They held their own State Convention in early June, under the presidency of Denis Kearney. In their platform they upheld the dignity of labor, demanded a system of compulsory education, and declared against land monopoly and the national banks. William F. White was nominated for Governor on the first ballot.

The Republican State Convention met at Sacramento June 17, under the presidency of Frank M. Pixley. The State Committee had already issued an address to the voters accepting the result of the contest for the new Constitution as a finality and pledging the party "to a faithful inter-

pretation and administration of its provisions with all honesty and sincerity." On the first ballot George C. Perkins, a prosperous business man, was nominated for Governor over Horace Davis, George S. Evans, and John F. Swift.

The State Convention of the new Constitution Party met at Sacramento June 25: Marion Biggs, chairman of the executive committee, was chosen president. The platform declared, among other things:

> That the new constitution embodies principles just to all, oppressive to none, dear to ourselves, and of untold benefit to posterity.
>
> That the new constitution party will protect the liberty, labor, and property of every citizen, and that therefore it commends itself to the support of all.
>
> That laws shall be passed to carry into effect the provisions of the new constitution, that all property shall be taxed according to its value, once in each year; strictly avoiding all species of double taxation.

Hugh J. Glenn was nominated for governor, over J. V. Webster, and a full ticket was placed in the field.

The advisability of holding a Democratic Convention was under consideration for several weeks. On July 1, however, the Convention met at Sacramento, and J. C. Shorb was made President. Resolutions were adopted declaring—

> That the democracy of California are united and devoted in support of, and obedience to the new constitution, and maintain it as a sacred duty to administer the state government in strict and unqualified accordance with the spirit and letter of that instrument.

Hugh J. Glenn, who headed the Constitution Party ticket, received the Democratic nomination for governor without opposition. Immediately following Glenn's nomination, however, the following resloution, which created "wild excitement," was adopted by a divided vote:

> That no candidates, except for a judicial office, shall hereafter receive a nomination at the hands of this convention who has accepted a nomination from any other state convention.

Much discussion ensued with reference to consolidating the two tickets or removing Glenn's name from the Democratic ticket. The committee finally determined that his name should not be withdrawn.

Still another ticket was placed in the field in the campaign of 1879, namely, the Prohibition ticket, headed by A. G. Clark. On August 30th, however, this ticket was withdrawn by the central committee.

As a result of the September election Perkins was selected governor by a plurality of more than 20,000 over Glenn, White running a close third. Perkins was inaugurated January 8, 1880, succeeding Irwin, a Democrat, and preceding Stoneman, also a Democrat. The result revealed an unsuspected division in the ranks of the constitutionalists—already the party that had carried the State only a half year before was shown to have suffered a defeat that spelled its final downfall.

The new Constitution provided that the terms of the first officers chosen after its adoption should be curtailed one year in order that the

elections might thereafter be brought in the even numbered years. Accordingly the next election was held in 1880, for the purpose of choosing congressmen, and members of the State Legislature, as well as presidential electors. In addition to the conventions of the Republicans and the Democrats, the Workingmen's Party, the Prohibition Party, and the Greenback Labor Party also held conventions. By exceedingly narrow pluralities over Republican opponents, five Democratic presidential electors were chosen, Henry Edgerton being the one successful Republican. The vote of minor parties was virtually negligible. On the first of December the presidential electors met in the Governor's office at Sacramento, and cast five votes for Hancock and English, one for Garfield and Arthur.

On January 12, 1881, General John F. Miller, Republican and native of Indiana, was elected by the Legislature to succeed Newton Booth in the United States Senate. His defeated candidates were William T. Wallace and Henry George. He died in office March 8, 1886, and was succeeded by George Hearst, Democrat, appointee of Governor Stoneman.

In the Democratic State Convention of 1882, meeting in San José in June, a long series of resolutions were adopted, including a sweeping declaration against the "ever-increasing evil" of the presence of the Chinese in California and a demand for material reduction of railroad fares and freights, prohibition of railroad discrimination, and revocation of all railroad grants "forfeited by reason of the non-fulfillment of contracts." Fourteen ballots were required before there was a choice for the governorship, when George Stoneman was nominated over Hearst and lesser candidates.

The Republican State Convention met at Sacramento August 30, and Newton Booth was made president. The Convention declared itself "unalterably opposed to Chinese immigration," expressing gratitude for the national enactment prohibiting further immigration. On the railroad question, which had become a leading issue in State politics, the Convention spoke at length but in a more restrained and guarded manner than had the Democrats:

> We declare that railroad companies, the same as individuals, should be dealt with in fairness and without injustice; but, by reason of their relation to the people, they must be kept subordinate to the interests of the people, and within governmental control. The people should be protected by law from any abuse or unjust exactions . . .

Morris M. Estee of Napa received the nomination for governor on the first ballot.

The temperance movement having been gradually gaining in momentum throughout the country, and having achieved triumphant proportions in Kansas and Iowa, a California State Convention of the Prohibition Party was held in San Francisco in July, with M. C. Winchester president. After adopting the report of the committee on resolutions, the Convention adjourned to await the action of the Republican Convention. Reassembling in late September, the Convention adopted a long series of

resolutions, declaring for the cardinal principal of prohibition by constitutional amendment and demanding other political and moral reforms. Doctor R. H. McDonald, a San Francisco banker, was nominated for the governorship without opposition.

In early September the Convention of the Greenback Labor party met in San Francisco and had a stormy session throughout. Thomas J. McQuiddy was nominated for governor. Still another convention was held in 1882, by the Grangers, or Patrons of Husbandry; but no nomination was made for the governorship.

The election of November 7 resulted in the choice of George Stoneman (Democrat) as governor by a vote of 90,694, to 67,175 for Estee (Republican). McDonald was a weak third, with 5,772 Prohibition votes.

In the presidential election of November 4, 1884, the Republican Party was successful in securing the electoral vote for Blaine and Logan by a considerable margin, again illustrating how the sentiment of the State has been Republican when not disturbed by municipal agitations. The Republicans elected five of the six congressmen that year, besides obtaining control of the State Legislature and making gains in the San Francisco city election. The subject of railroad taxation occupied much time in the Legislature of 1885. An amendment to the constitution was proposed, to which there was much objection on the ground that it would permit the principal railroad corporation "to settle with the State upon its own terms," and which was rejected by the election of 1886.

The question of highest importance to the agricultural interests of California was that of equitable distribution of water for irrigation at reasonable cost. Governor Stoneman was prevailed upon to call an extraordinary session of the Legislature for the purpose of proposing amendments to the constitution. Fearing the creation of a huge monopoly even more oppressive than that of a railroad corporation, the Senate refused to give its approval to the proposed measures, and the plan had to be abandoned.

In the meantime Leland Stanford (Republican) had been elected United States Senator to succeed James T. Farley. Stanford served his full term, 1885 to 1891, was re-elected, but died in office June 21, 1893. At the extra session of the Legislature A. P. Williams (Republican) was elected to serve out the balance of Miller's term; thus Hearst found himself supplanted in the Senate after a sojourn in Washington of but a few months.

In the campaign of 1886 there appeared an almost bewildering number of parties and candidates. Besides the regular Democrats and Republicans, the Prohibitionists, the United Labor Party, the Farmers, and the American Party made their respective bids for the suffrage of the citizens, while the Anti-Chinese and the Irrigation conventions were far from being devoid of political significance. The State election held

November 2 resulted in a victory for the Democrats in governor, secretary of state, attorney-general, and several other officers, while the Republicans elected the lieutenant-governor, superintendent of public instruction, and a few other officers. Washington Bartlett, Governor-elect, a pioneer of 1849, had served as San Francisco's first American alcalde and was Mayor when elected to the governorship. On his death, September 12, 1887, Lieutenant-Governor R. W. Waterman (Republican) succeeded him as governor.

While five of the six congressmen elected in 1886 were Republicans, the State Legislature secured a Democratic majority. Accordingly George Hearst, whose previous tenure had been cut short by the election of Williams, was regularly elected United States Senator. Hearst was in office at the time of his death, February 28, 1891.

Arrivals in California overland during the years 1886-88 averaged 5,000 per month, including many persons of wealth and refinement. On the other hand, the influx of aliens had been so great and had exerted such a dubious influence upon political practices that there was on the part of many true sons of California and men of independent spirit a strong movement under the leadership of those calling themselves Americans not only against the Chinese but against foreigners generally. Demand was made for the repeal of the naturalization law, for a refusal to receive into this country persons not in sympathy with the principles of the American government, and for statutes forbidding aliens or nonresidents from owning real estate in the United States. "The front gate has been off the hinges long enough." While the American Party movement revealed certain crudities and failed to win the support of more than a comparatively slight minority in California, it did touch a popular chord and reflect sentiments to be found in many patriotic minds.

Governor Waterman recommended the abolition of such bureaus and offices as had outlived their usefulness, but he was by no means committed to a false economy. Regarding State appropriations he said:

> Legislatures are too apt to be radical and inconsistent rather than firm and conservative. They are too prone to neglect the vital interests of the state and raise the cry of retrenchment and economy. This is no argument; it is simply demagogy.

The persistence of the Prohibitionists and the sweep of the national temperance movement made them something of a political force, although the party movement in California can not be said to have attained any great numerical significance. This was in part due to the great viticultural interests in the State and to a strong tradition against teetotalism. The Prohibition Party platform of 1888, in addition to demanding constitutional prohibition of the manufacture and sale of alcoholic liquors, declared in favor of woman suffrage, universal and compulsory education, government ownership of railroads and telegraphs, and the election of United States senators by direct popular vote.

At the election of 1888, all the Republican nominees were elected with the exception of two of the six congressmen. The presidential electors met at Sacramento in January, 1889, and cast their ballots for Benjamin Harrison and Levi P. Morton.

Two years later Henry H. Markham (Republican) was elected Governor by the slight margin of some 800 votes over E. B. Pond (Democrat). John Bidwell, nominee of both the Prohibition and American parties, received 10,073 votes.

The organization of the Peoples' Party in California occurred at Los Angeles in October, 1891. The delegates assembled represented the Farmers' Alliance, Patrons of Husbandry, and other agricultural, labor, and reform organizations. H. F. Gardner was chairman of the convention, which included some 600 delegates. The platform declared for government ownership, woman suffrage, and free and unlimited coinage of silver. The People's Party held a second convention at Stockton on June 1, 1892, when nominees for presidential electors and delegates to the national convention were chosen.

The vacillations of party politics in California were again illustrated in the presidential election of that year, when eight Democratic electors and one Republican were chosen, and of the congressmen three were Republicans, three Democrats, and one from the People's Party, endorsed by the Democrats.

With the State election of 1894 the administration again swung into the Democratic column when James H. Budd received a slender plurality over Morris M. Estee, his Republican opponent. In the meantime Charles N. Felton (Republican) had been chosen to serve out the unexpired term of Hearst in the United States Senate and George C. Perkins (Republican) had been elected to serve out the balance of Stanford's term. In January, 1893, Stephen M. White of Los Angeles (Democrat) was elected to succeed Felton, and he served the full term, to 1899.

A multiplicity of political parties were again in evidence in the campaign of 1898, including Republican, Democratic, People's Party, Prohibition, Socialist Labor, Silver Republican, and Union Labor. Henry T. Gage (Republican) was the successful candidate for governor, winning over James G. Maguire (Democrat), his nearest opponent, by nearly 20,000 votes. In 1897 Perkins was elected to succeed himself in the United States Senate, and he served out his full term. The Legislature of 1899 failing to elect a successor to White, Thomas R. Bard (Republican), was elected at an extra session in February, 1900.

Accordingly California entered the eventful twentieth century, so far as politics was concerned, in a quiet, non-spectacular manner, under a Republican administration, with both United States senators of the same party. Many of the more significant events and important developments in the State during the period 1879-1901 are appropriately recounted in other chapters of this volume. The purely political annals of much of

California's history include comparatively little that is worthy of public attention or permanent record,—they constitute perhaps the least Californian part of California's historic development. Hubert Howe Bancroft has well said: "To judge California by the history of the State and municipal politics, would be to misjudge her." Despite the comparative dullness that here and there characterizes her political annals, her real story is dramatic and compelling, her type noble and generous.

CHAPTER XXXVII

THE PROGRESSIVE MOVEMENT IN CALIFORNIA POLITICS

There is little of noteworthy or exceptional character that was accomplished in California by the first State elections of the twentieth century. Thomas R. Bard (Republican) had entered upon his term as United States Senator in March, 1899: he completed his regular term and was succeeded in 1905 by Frank P. Flint, likewise a Republican. Senator George C. Perkins was elected to succeed himself in 1903: indeed, he was continued in office down to 1915, when he was finally succeeded by James D. Phelan (Democrat).

In California the campaign of 1900 resulted in a victory for McKinley over Bryan for President by a safe margin of about 40,000 votes, and the Republican nominees for Congress were elected. Dr. George C. Pardee (Republican), a former mayor of the City of Oakland, was the successful candidate for Governor in 1902 over Franklin K. Lane (Democrat) by the slender plurality of some 2,500 votes. Two years later California enthusiastically supported Theodore Roosevelt by the unprecedented vote of 205,226, to 89,294 for the election of Alton B. Parker. In 1906 the Republican Party maintained control of the politics of the State by electing James N. Gillett Governor over Theodore A. Bell (Democrat), Gillett's plurality being about 8,000.

During those first years of the new century, as indeed for many years preceding, while the Republicans were quite uniformly in the ascendant, no great significance can be said to have attached to the question as to which of the great political parties was actually in power in California. It was popularly believed that the real party in power—not always quite invisible—was the Southern Pacific Railroad corporation. It can not be said that this powerful organization was overmuch concerned with mere party labels if only the politicians would move at its beck and nod! California had gained considerable notoriety for its so-called "machine" brand of politics. The influence of the Southern Pacific was so widely pervasive as to be well-nigh ubiquitous; for years its power had come to be looked upon as quite irresistible.

The political activities of the railroad corporation during a long period of years constitute a significant phase of California history. It is scarcely an exaggeration to state that for more than a generation the political history of the State was dominated by the "Southern Pacific Machine"

more completely than by any other force or combination of forces. What mattered it, asked the cynical, whether the governor was Republican or Democratic, or what was the party affiliation of a United States senator?

At an early date the builders of the railroad entered the field of very practical politics, and the methods employed by their emissaries like William F. Herrin and Walter Parker were as adroit and thorough-going as the sweep of their activities was wide and exhaustive. Railroad politics was one of the important forces resulting in the demand for a constitutional convention in 1877 and 1878. The Constitution itself made ample provision for a State Board of Railroad Commissioners who should be clothed with extensive powers to regulate rates, prevent unlawful discriminations, and inspect accounts. The board itself was established by act of the Legislature in 1880, to consist of three members elected every quadrennium. The people were elated by the belief that at last a method had been found which they deemed capable of being employed effectively against the gigantic monopoly.

Nevertheless no great revolution was to be observed in California politics. The sincere attempts at reform seemed like the beating of the feeble waves of a mill pond against Gibraltar. Insofar as the people were really aroused, they found that the State government—likewise even the local government—was by no means quickly responsive to popular control. For years the Railroad had been intrenching itself in the field of politics; and, by obtaining extensive land grants and various kinds of subsidies, franchises, and sundry concessions, and extending its influence even into the realms of boards of supervisors and city councils, it gained a practical ascendancy that seemed to render all protests or opposition entirely futile.

However, the popular sentiment against the Southern Pacific did not abate. The agricultural interests in particular became more and more hostile because of economic pressure. Many farmers felt themselves at the mercy of the Railroad which, they averred, was guilty of gross discriminations, rebates to favored shippers, and political activities that throttled the progress of the State. Bitter complaint was heard because the Railroad Commissioners had failed to order the drastic reductions in rates demanded. The Commission itself was charged with having fallen under the sway of the "Southern Pacific Machine."

> "Not a single majority report," said a writer in 1896, "was ever issued from the office of the Railroad Commission of a nature unsatisfactory to the company the Commission was established to control, so that the net result of the popular agitation for the new constitution in 1878, and of the various anti-monopoly agitations since has been the creation of a new Southern Pacific literary bureau maintained at public expense."

James D. Phelan, as mayor of San Francisco, referred to the Southern Pacific Company as "the overshadowing monopoly of the State." On into the opening years of the twentieth century its great power continued unbroken, and still there seemed little hope for amelioration of political conditions.

At length the turn in the tide came. What has been rightly regarded as one of the most remarkable crusades in the political history not only of the State but of the entire nation came as a result of the intense quickening of the public conscience of America by the moral impact of President Theodore Roosevelt. The wonderful renaissance of politico-ethical idealism, which swept the entire country, found vigorous expression in California. There arose with startling suddenness the progressive or reform movement, whose avowed aim was,—

> to establish even-handed justice among all men, to secure to the working-man a fair share of the fruits of his labor, and to the man of money a proper regard for economic thrift and ability.

To understand the swift progress of the progressive movement in the State it is necessary first to present a brief summary of the political renovation of the two greatest municipalities. Reference is made on other pages to the notorious Ruef-Schmitz régime in San Francisco and to the unsavory administration of Mayor Arthur C. Harper in Los Angeles; municipal reforms in these centers had a profound influence throughout the commonwealth. The San Francisco "graft prosecutions," in particular, served to enlighten and arouse the people, as well as to bring the leading prosecuting attorneys, Francis J. Haney and Hiram W. Johnson, prominently to public attention.

On August 1, 1907, an organization was effected in Oakland known as the Lincoln-Roosevelt League, which was thenceforth the head and front of the revolt against "machine politics" in California. Its platform, which reflected the changing attitude toward socio-political issues that swept over much of the country, contained among its planks the following:

> The emancipation of the Republican Party in California from domination by the political bureau of the Southern Pacific Railroad Company and allied interests and the reorganization of the state committee to that end.
>
> The selection of delegates to the next Republican national convention pledged to vote and to work for the nomination of a candidate for president known to be truly committed to, and identified with, President Roosevelt's policies and to oppose the nomination of any reactionary styled safe and sane by the great corporate interests.
>
> The election of a free, honest, and capable legislature, truly representative of the common interests of California.
>
> The enactment by the next legislature of such laws as will give voters an advisory voice in the election of United States senators until such time as an amendment to the national constitution shall make that voice direct and absolute, which amendment we favor.

By dint of great activity of the "Progressive" leaders, the Legislature of 1909 secured a majority of "Reform" members in both the Senate and the Assembly. Important measures looking to governmental innovations were introduced, but because of the lack of adequate leadership comparatively little was actually accomplished in the way of reform. The element of weakness, however, was, in the main, overcome before the 1911

Legislature convened, the memorable gubernatorial campaign of 1910 intervening.

Nevertheless, one important reform measure that was finally enacted into law, in 1909, however, was the Anti-Racetrack Gambling Bill, known as the Walker-Otis Bill, which made it illegal to bet on horse racing, thus relieving it of "the incubus which has made the sport of kings disreputable." During recent years not a few of the California racing fraternity have journeyed to Tia Juana, across the border into Lower California, where gambling is unrestrained, to indulge their propensity.

In response to a strong popular demand, the Direct Primary Bill was introduced with a view to curbing the domination in public affairs of that political functionary known as a "boss." Under his machination the old so-called primaries had long since become a farce; the boss-controlled convention was at times a political by-word. The supporters of the Direct Primary sought the nomination of candidates by direct vote of the people, as the only method of securing a genuine expression of the choice of the electors. The claim of Hiram Johnson was that an effective direct primary "would put this government of ours back into the hands of the people." The Direct Primary Law in Oregon, representing a highly developed plan for the selection of United States senators, exercised powerful influence in California; still the "machine" members were able to prevent, in 1909, the enactment of such provisions as were thoroughly satisfactory to the reform element. In accordance with the law of 1911 nominees to public office were to be selected by popular vote previous to the general election instead of being named at partisan primary elections. With the direct primary the people have inseparably linked the election of United States senators by popular vote.

In spite of the strong flow of the tide that had set in toward popular legislation, the clever manipulation of the so-called "machine" leaders was able, in 1909, to compass the defeat of the proposed amendment embodying the initiative. This, however, proved to be only an irksome delay; for during the preceding decade there had been going steadily on throughout the State, and particularly in numerous municipalities, an effective campaign to promote the initiative as well as the referendum and the recall. The Legislature had been called upon to ratify important charter amendments which would engraft upon the fundamental law of such cities as San Diego, Los Angeles, Pasadena, Santa Barbara and Oakland, measures of popular legislation that would give them what Senator Edward I. Wolfe and his followers called "freak charters." Opposition to the ratification of regularly adopted charters or charter amendments had been practically unheard of, and even the strongest representatives of conservatism hardly possessed the temerity to try to thwart the will of the municipalities. Therefore the reform movement, whose avowed object was "to place the government of nation, state, and city back into the hands of the people," was able to gain such momentum as could not be finally

overcome by even the most skillful and persistent activity on the part of its opponents. The proposed Initiative and Referendum amendment adopted at the 1911 session, after many delays, was the direct result of a special committee appointed by Chairman Meyer Lissner of the Republican State Central Committee, of which Senator Lee Gates was head. The referendum enables the electorate to suspend the operation of a statute enacted by the Legislature until it may be determined by a statewide election whether the measure meets with popular approval.

Another important progressive enactment that distinguished the 1911 Legislature was the Recall amendment. Perhaps no measure before the Legislature had ever been so thoroughly studied and discussed before its adoption on the final roll call. The battle waxed particularly hot over the application of the recall principle to the judiciary. When the contest was at last won by the vote of 70 to 10 in the Assembly, Governor Johnson expressed the prevailing sentiment in these words:

> Under an elective system the Recall should be applied to all officers. It will make no weak Judge weaker, nor a strong Judge less strong. It will be a warning and a menace to the corrupt only.

The State campaign and election of 1910 must be regarded as one of the most memorable in the political annals of California. The Lincoln-Roosevelt League, which later merged into the Progressive Party, and which had already revealed great strength in the Legislature of 1909, achieved a most significant victory. Hiram W. Johnson, acknowledged leader of the Progressive Republicans, traversed the great State from end to end, from side to side, in his automobile, meeting the people face to face, urging them to "throw off the hateful bonds of iniquity which they had so slavishly worn for forty years." The unprecedented campaigning methods by this dynamic personality, presenting a strong appeal directly to the citizenry, resulted in the election of Johnson as Governor over Theodore A. Bell (Democrat) by a plurality of more than 22,000. J. Stitt Wilson, the aggressive Socialist candidate, received 47,419 votes.

Doubtless the chief issue in the minds of thousands of voters was whether the Southern Pacific Railroad could be driven out of politics and the "old machine" actually demolished. The time seemed ripe to crystallize the traditional hostility of a large portion of the people against the political activity of the great corporation, whose power had apparently proved invincible for a generation. But now the militant force of Hiram Johnson, who had been introduced to the people of California by virtue of his connection with the San Francisco graft persecutions, gave undoubted ascendancy to the forces of reform.

In the meantime the Southern Pacific had on its own initiative greatly narrowed the scope of its political activities: indeed, it was stated that the Company took no part in the campaign of 1910. The disadvantages of the necessity of political operations had been recognized for a long time, and the officials of the Company afterward professed to have welcomed the opportunity for a consummation of its efforts "to divorce itself from its

former relations to politics." In any event, it is universally conceded that the domination of the Southern Pacific "machine" in California politics—however complete it might have been—came definitely to an end with the inauguration of the Johnson administration.

Previous to the year 1909 California had not—to employ the words of Governor Gillett—"kept pace with the majority of the states of the Union in enactment of laws regulating railroads in their business as common carriers." In that year three different regulative measures were introduced, but no adequate provision was enacted into law. It remained for Governor Johnson and the Progressive Legislature of 1911 to put through such measures as could leave no doubt that thenceforth the railroads were to be the servants of the State. From that date California is believed by many to have had one of the most independent and effective railroad commissions in the entire country. Because of the wide scope of its powers with reference to the several great public utilities, the title Railroad Commission has come to be a rather serious misnomer.

Another act of the 1911 Legislature was the election of Judge John D. Works of Los Angeles as United States Senator. He was a man of pronounced progressive views, with a background of experience as Judge of the Superior Court of San Diego County, Justice of the State Supreme Court, and as President of the City Council of Los Angeles. He served out his full term as Senator, which expired March 4, 1917.

As a result of the adoption of a constitutional amendment in October, 1911, the women of California were admitted to the suffrage on the same basis with the men. This was one of the first state adoptions of woman suffrage, and its influence was pronounced toward securing the adoption of the nineteenth amendment to the Federal Constitution.

The May, 1912, primary election acclaimed the great popularity of Theodore Roosevelt and the Progressive movement. Champ Clark received a decisive plurality of the Democratic votes. On October 3, the Supreme Court of the State barred from the Republican ticket the name of William H. Taft, with the result that in the election of November 5, Roosevelt's majority over Woodrow Wilson, the Democratic nominee for President, was so slight that two of the Roosevelt electors received fewer votes than the two highest Wilson electors. Consequently Roosevelt received eleven of California's electoral votes and Wilson the other two.

In the view of certain national leaders, as well as of not a few local politicians, the Progressive movement in California, which resulted in a serious division of what was regarded as the normal Republican vote, has been held responsible for the failure to elect Charles E. Hughes President of the United States.

On January 28, 1913, California declared officially for the popular election of United States Senators, being the eighth state to ratify the seventeenth amendment to the Federal Constitution, which became effective on the last day of May of the same year. The first United States Senator from California to be elected by popular vote was James

D. Phelan (Democrat), a native of San Francisco, who had served as Mayor of that city. His election in 1914 was made possible because of the almost evenly divided vote for Francis J. Heney (Progressive) and Joseph R. Knowland (Republican), and he served out his full term beginning March 4, 1915. Samuel M. Shortridge of San Francisco (Republican) was elected to succeed Phelan, entering upon his term March 4, 1921.

The November election of 1914 overwhelmingly returned Governor Johnson to office, this time as the nominee of the Progressive Party. He received 460,495 votes, to 271,990 for John D. Fredericks (Republican), his nearest rival. Thus did he vindicate the popularity of his views and demonstrate his remarkable powers as an aggressive political campaigner.

California was somewhat tardy in ratifying the eighteenth amendment to the Federal Constitution, being the twenty-fifth state on the list, and the vote being taken in the Legislature in January, 1919. The State had usually been considered as one of the "wet" states, especially because of its large vineyards and wine interests. California had voted on different phases of the prohibition question at several elections. Numerous cities and towns, especially in the southern portion of the State, had adopted local prohibition years before, but state-wide prohibition had not been achieved. The Federal amendment became effective January 16, 1920, prohibiting "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."

Since 1910 much social legislation has been enacted in California. The State now has a workman's compensation law with liberal provisions, a "blue-sky" law designed for the protection of the investor, a civil service law, a law providing for mothers' pensions, provision for a minimum wage for women and minors, and laws providing for non-partisan elections in counties and permitting cities and towns to adopt the commission form of government. It should be added that ideals of good government presuppose good and capable men in office. Evil or weak officials may do much harm even with the agencies of reform. However perfect the devices of government may be, the government itself can not long endure on foundations of personal fraud or a spirit of social injustice.

William D. Stephens, a Progressive Republican, who had been appointed Lieutenant-Governor to succeed John M. Eshleman, deceased, succeeded to the governorship in March, 1917, when Governor Johnson became United States Senator. Stephens thus became the "War Governor" for the period of the World War: in November, 1918, he was elected for a full term. In the campaign of 1922 Friend W. Richardson, a conservative, received the Republican nomination over Stephens, and was elected Governor by a large majority of votes over Thomas Lee Woolwine, his Democratic opponent.

CHAPTER XXXVIII

THE JAPANESE QUESTION

The history of the Japanese question in the United States, and particularly in California, has from the first been colored by the facts and feelings regarding the Chinese question. The Japanese in this country—fortunately or unfortunately—inherited much of the prejudice against the Chinese. But whereas the Chinese were good losers, the more aggressive Japanese have by no means proved so meek and docile. The average American was slow to discern the striking divergences between the two Oriental immigrant races.

From the early seventeenth century till the organization of the Imperial Government in 1868 emigration from Japan was prohibited. Indeed, the emigration of laborers was not definitely legalized till 1885. As is well known, Commodore M. C. Perry organized and commanded the memorable expedition to Japan in 1853, and by establishing treaty relations during the following year was instrumental in opening the country to Western influences. By this first treaty it was provided that

> There shall be a perfect, permanent and universal peace and a sincere and cordial amity between the United States of America on the one part, and the Empire of Japan on the other and between their people respectively, without exception of persons and place.

As a token of the grateful appreciation of his distinguished service, there stands at Kurihama, Japan, a monument to Commodore Perry, on the very site where he landed and opened negotiations for the treaty.

Within a few years Japan was open to trade and residence of the citizens of five world powers. Nevertheless she did not for a number of years after the firm, age-long policy respecting emigration of Japanese.

Brief reference to the antecedents of any real immigration of Japanese into the United States reveals the fact that as early as 1841 three fishermen, having been blown to sea, had drifted to the American coast. An extract from *The Seaman's Friend,* dated at Honolulu, December 1, 1848, makes mention of one of the earliest known attempts to penetrate the "hermetically sealed Empire of Japan." It is as follows:

> As the reading world is not likely for some time to come, to be favored with an account of the conquest or opening of Japan by the naval forces of England, France or the United States, our readers on ship or shore may not be uninterested in the following facts and documents relating to the adventure of a sailor belonging to the American whaleship 'Plymouth' of Sag Harbor, Captain Edwards.

> If his plans were not upon so gigantic a scale, as those which might eminate from a 'Board of Admiralty' or a 'Naval Bureau', yet to answer his purpose, they certainly indicate some 'head work.'
>
> It appears that a man by the name of Ranald McDonald shipped on board the 'Plymouth' when she sailed from the United States. After remaining in the vessel two years, while at Lahaima in the fall of 1847, he requested his discharge, unless Captain Edwards would consent to leave him the next season *somewhere* upon the coast of Japan. Young McDonald is the son of Archibald McDonald, Esq., formerly in the employ of the Hudson Bay Company at Fort Colville, Columbia. On application to the Agent of the Company in Honolula, we learn that the young man received a good education, but instead of pursuing a mercantile life on shore, betook himself to the sea.
>
> Soon after the 'Plymouth' left Lahaima, he began to make arrangements and preparations for penetrating the *hermetically sealed* Empire of Japan. Captain Edwards allowed him to make choice of the best boat belonging to the ship. The carpenter partially decked her over. Having gathered his all together, he embarked upon his perilous and adventurous enterprise.

In 1850 several members of the crew of a Japanese vessel that suffered shipwreck were rescued and brought to America; and there is little doubt that during the fifteen years following there were numerous cases of Japanese cast-offs being rescued and brought to our shores. Official reports indicate that between 1861 and 1870, 218 Japanese came to the United States. There is evidence of the beginnings of Japanese migration from Hawaii to the continent as early as 1870.

The reception accorded by the State Legislature of California to a Japanese embassy in February, 1872, who were on their way to Washington, is an interesting episode. Headed by Iwakura, envoy extraordinary and minister plenipotentiary, their mission was to negotiate on commercial relations; therefore it was deemed important to show them distinguished consideration. A resolution was adopted by the Senate without dissent, "welcoming the minister and the embassy and expressing a hope that their coming might be the harbinger of a commercial intercourse that would add largely to the happiness of the people of both countries." The Assembly received the embassy in like manner.

It was not until 1891 that the number of Japanese immigrants for a single year exceeded one thousand. For the six years following the numbers were virtually constant; but for 1900 the astonishing number of 12,626 was recorded,—a number never exceeded in a single year. The United States Census figures, which are admittedly incomplete, state the number of Japanese residents in this country as follows:

1870	55
1880	148
1890	2,039
1900	24,326
1910	72,157
1920	111,010

The first man said to have raised the cry, "Japs must go," was Dr. C. C. O'Donnell, well known politician of San Francisco, who thus

inveighed against the Japanese in 1886, when there were only about 400 in the entire State. Generally speaking, the treatment accorded the Japanese by the United States continued for half a century to be above reproach, in marked contrast to that of other nations, calling forth, in the words of Dr. S. L. Gulick, "a gratitude toward, friendship for, and confidence in, America that Americans can not easily realize."

The first real opposition to Japanese immigration was voiced at a mass meeting held in San Francisco in 1900, when the reenactment of the Chinese Exclusion Law was under consideration. The California Commissioner of Labor had found, after investigation, that the same objections that were being so vigorously declared against the Chinese might be applied to the Japanese. Moreover, it is to be noted that as a direct result of the acquisition of Hawaii by the United States (1898) there was a large influx of Japanese from the islands. Two years later an unprecedented total entered this country.

During the early spring of 1905 the Japanese problem was brought sharply before the people of California by a series of articles appearing in the *San Francisco Chronicle*. Quickly following this successful newspaper campaign came the organization of the Asiatic Exclusion League, largely brought about by the initiative of the trades unions, which had long been so hostile to the Chinese. At the first Japanese exclusion meeting, held Sunday, May 7, 1905, a resolution was adopted protesting against "the national policy, laws and treaties which allow Japanese to enter our ports, to the great detriment of our citizenship, our standard of living, and the progress of American citizenship."

In the meantime the San Francisco school controversy had arisen, and this was destined speedily to bring the question of Japanese immigration into California into international prominence. The Board of Education adopted a resolution declaring for the establishment of separate schools for Chinese and Japanese pupils. Before final action was taken in the matter, however, San Francisco experienced the great disaster of 1906. When the "separate school order" was at length passed, requiring the transfer of a majority of the ninety-three Japanese pupils in the public schools to the Oriental School,—difficult of access at the time,—the greatest indignation was aroused in Japan, and protests were promptly made to the Federal Government by the government of Japan.

With characteristic vigor President Roosevelt put himself in touch with the California authorities. The national government, he contended, was definitely concerned with two points involved in the controversy:

> to meet every reasonable wish and every real need of the people of California or any other state in dealing with the people of a foreign power; and in the second place, itself exclusively and fully to exercise the right of dealing with this foreign power.
>
> As soon as legislative or any other action in any state affects a foreign nation, then the affair becomes one for the Nation, and the State should deal with the foreign power purely through the Nation.

In accordance with the President's views and expressed wishes, the order of the San Francisco School Board was rescinded, never having been carried into actual effect. But the anti-Japanese sentiment was not to be so easily appeased. The newly organized Japanese and Korean Exclusion League urged the establishment of separate schools for Japanese children; and on October 11, 1906, the Board of Education passed a second resolution to the effect that after the fifteenth of that month Japanese children would be received only at the Oriental Public School. While this order involved only about ninety children, it was regarded as an affront to the honor of the Japanese race which could by no means pass unnoticed.

However, Elihu Root, Secretary of State, expressed the national view, namely, that the United States Government "would not allow any treatment of the Japanese people other than that accorded the people of other nations"; and President Roosevelt brought the question of the alarming agitation before Congress, declaring that he had authorized Secretary Metcalf of the Department of Commerce and Labor to state to the San Francisco officials that—

> The entire power of the Federal Government within the limits of the Constitution would be used promptly and vigorously to enforce the observance of our treaty, the supreme law of the land, which treaty guaranteed to Japanese residents everywhere in the Union full and perfect protection for their persons and property—and all the forces of the United States, both civil and military, which I could employ, would be employed.

The Japanese contended that their rights, under the treaty of 1894, were being violated, and that their children of school age should be permitted to attend the schools on the same basis as children of other aliens.

In January, 1907, the Attorney-General of the United States brought two actions in California for the purpose of enforcing the treaty with Japan: by the first the members of the San Francisco Board of Education were cited to show cause why an injunction should not issue to compel the reinstatement of certain Japanese students who had been excluded from the schools; in the second Keikicki Aoki asked, through the Supreme Court of the State of California, that the Principal of Redding Primary School be directed to admit him "on the ground that otherwise the rights guaranteed to him by the Treaty . . . were infringed."

The "schoolboy incident" was rapidly developing into an international issue. Mayor E. E. Schmitz of San Francisco and members of the school board journeyed to Washington for conference with President Roosevelt, and a little later (March 14, 1907) the suits were dismissed, the Board of Education having rescinded the objectionable resolution and adopted a modified resolution that proved acceptable.

Notwithstanding the serious aspect of the school question, it was not a question of war,—such talk was pronounced by Secretary Root as "purely sensational and imaginative." Asserting that there was never even friction between the two governments, he added:

> The question was, What state of feeling would be created between the great body of the people of Japan as a result of the treatment given to the Japanese in this country?

The time had come for our Government to take a comprehensive, statesman-like view of all the questions of policy relating to immigration, to substitute a world view for local and temporary expedients. The inadequate policies of short-sighted and self-seeking politicians must be condemned, while at the same time the liberties and the happiness of the American people must be sedulously safeguarded. By the prompt and decisive action of President Roosevelt a diplomatic crisis was happily averted.

At the very time when the agitation over the San Francisco school question was at its height, and during the months immediately following, Japanese laborers were arriving in California in such numbers as to bring alarm to the white laboring men, who were not slow in demanding some measure that would effectively restrict their unwelcome competitors. The hostile demonstrations—amounting at times to exhibitions of the mob spirit—were such as to cause Ambassador Aoki to bring the agitation to the attention of President Roosevelt, who telegraphed Governor James N. Gillett that the restrictive measures in the Legislature would strain the friendly relations with Japan, with which country he was negotiating for the exclusion of labor immigrants. Finally, upon this assurance, the troublesome bills were withdrawn from the Legislature.

The result of the negotiations with Japan was the famous "Gentlemen's Agreement," which became effective in 1908. Not being a signed document or a formal treaty, this was not published. On March 14 the President issued a proclamation which excluded from continental United States "Japanese or Korean laborers to Mexico, Canada, or Hawaii and come therefrom."

What then was the "Gentlemen's Agreement," about which has raged such sharp and at times bitter controversy? It is composed of diplomatic correspondence between Secretary of State Elihu Root and the representatives of Japan,—President Roosevelt not wishing to discriminate against the subjects of a friendly nation,—and it contemplates—

> that the Japanese government shall issue passports to the continental United States only to such of its subjects as are non-laborers or are laborers who, in coming to the continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country . . . .

The President was given power to forbid the entrance of laborers if found detrimental to American labor conditions; and, on the other hand, the Japanese Government might still issue passports to "former residents," "parents, wives, or children of residents," and "settled agriculturists." Thus Japanese immigration was regulated—not without almost constant protest in California—during the period culminating in the renewed agita-

tion which led up to the California Land Alien Law of 1913, and, in most respects, to the national exclusion measure of 1924.

In the meantime President Taft negotiated a treaty of commerce and navigation with Japan which was based on the informal agreement of 1907 and which superseded the treaty of 1894. In this new treaty Taft waived the right to exclude, thus relying more completely on Japan's expressed intention of living up to the Gentlemen's Agreement.

The bill of 1913 in the California Legislature was aimed to prevent aliens, particularly such as were ineligible to United States citizenship, from holding land. When this measure,—known as the Webb Act,—was introduced, there arose a storm of protest of great magnitude. Nevertheless the anti-Japanese feeling ran so high that the bill seemed about to be enacted into law, when Ambassador Chinda obtained an interview with the Secretary of State, William J. Bryan, who undertook to explain the difficulties arising from our theory of state's rights, heightened by the fact that while the national administration was Democratic, the state authorities in California represented Progressive-Republicanism. So pressing did the issue become that President Wilson, having first received the consent of the State Legislature, dispatched Secretary Bryan to Sacramento,

> . . . for the purpose of counseling with the members of the Legislature and cooperating with them in the framing of a law which would meet the views of the people of the State, and yet leave untouched the international obligations of the United States.

President Wilson, thrust into a most embarrassing situation, felt the necessity of exerting all the authority of his great office as well as his personal influence in an attempt "to harmonize the legislative acts of the State of California with the United States treaty obligations." It was seen that the assertion of a State right in direct contravention of a treaty of the nation created an utterly untenable situation.

While the communications from the President and his Secretary of State had the effect of removing from the bill some of its more drastic clauses, the bill as a whole passed by overwhelming vote and received Governor Hiram Johnson's approval May 19, 1913, becoming effective in August. This law provides that "Aliens not eligible to citizenship may inherit or devise real estate only as prescribed by treaty," that real property acquired by aliens not eligible to citizenship will escheat to the State, and that agricultural lands may not be leased to such aliens for periods to exceed three years. Governor Johnson defended the Act by stating that it was sought to deal not with land in general but only with agricultural lands. But the Japanese Government was far from satisfied. It lodged a series of formal protests against the measure with the Secretary of State, contending that the Alien Land legislation in California was irreconcilable with the accepted principles set forth in the treaty, embodying indeed unjust and obnoxious discrimination.

That California was not alone in the feelings of antagonism to Japanese immigration is made clear by reference to alien land measures which were introduced in the Oregon and Idaho legislatures in 1917. The Department of State at Washington appealed to the United States senators from these states to use their influence in preventing action which might result in embarrassment to the Federal Government.

The general Immigration Act of 1917 was especially aimed at southern European immigrants; but to the Pacific Coast was of particular significance the clause establishing an "Asiatic Barred Zone," by which all natives, not in the exempted classes, of India, Indo-China, Siam, Arabia, and other defined areas were excluded from the United States. The Japanese, already excluded by the Gentlemen's Agreement, were embraced in the geographical area defined to include "islands not owned by the United States adjacent to the coast of Asia."

The Japanese question again loomed large in international significance during the progress of the Peace Conference at Versailles. In March, 1919, Viscount Ishii delivered a speech in New York, serving notice that unless discrimination against Japanese immigration ceased his nation would not enter the League of Nations. This scarcely "veiled threat" attracted wide attention; and finally Secretary of State Lansing from Paris notified the Senate of California "that any anti-Japanese legislation would seriously affect a settlement of peace terms." Thus again was California led to desist,—but not to abate one jot in the uncompromising attitude of opposition to Japanese immigration. Indeed, the pressure exerted by the Federal Government seemed to render even more intense the feeling in California and yet to impress the importance of educating the nation to the perils of Japanese immigration and the necessity of a final solution by unequivocal national enactment.

Governor William D. Stephens was repeatedly urged to call a special session of the California Legislature, to take further measures against the Japanese, but he steadfastly refused, choosing rather to order an investigation of the entire Japanese question for the purpose of gaining more enlightenment as a basis for state and national legislation. As a result we have the Report of the State Board of Control on *California and the Oriental,* which was transmitted to Secretary Bainbridge Colby, June 19, 1920. Thus the Governor brought the subject, which he deemed of "transcendent importance," to the attention of the Federal Government. His own conclusions were clearly suggested in his letter of transmissal, in which he said:

> Inasmuch as I am seeking on behalf of the people of California to deal with this problem in a broad and final way, I deem it proper to advise you further that we feel the full solution of this question can not be had short of an exclusion act passed by Congress.
>
> It is my purpose, after transmitting this report to you, to communicate the information to our various Representatives and Senators in Congress that they may then be equipped to take up the cause of California

and urge the passage of an exclusion act effectively disposing of this difficulty.

The findings of the State Board of Control, to which further reference will soon be made, had the effect of still further stimulating the local agitation in favor of the 1920 Anti-Alien Law Initiative Measure. Also, a distinct echo was heard in Washington in the appointment of a Congressional sub-committee on Immigration and Naturalization. This committee held hearings in California and Washington for a period of three weeks.

The Initiative Measure to amend the California Alien Land Law was submitted to the voters November 2, 1920, receiving a majority vote of more than three to one. It is summarized by Rosalie Jones as follows:

> (a) It prohibits owning of land by Japanese or leasing of farm land by them.
>
> (b) It prohibits acquisition of real property by American-born Japanese minors who are citizens of the United States, although under the guardianship of their parents. Also, it deprives Japanese parents of their right to be guardians of their minor children who own real property.
>
> (c) It allows of escheat of real property to the state upon certain *prima facie* presumptions.
>
> (d) It forbids Japanese from having any interest in any company owning real property.

The sweeping measure went into effect December 10, Governor Stephens announcing that he would employ all of his constitutional power in securing its enforcement. But there was repeated protest on the part of Japan. Doctor Iyenaga deplored the Act, stating that it would result in a higher cost of living in California and "would lead to a further straining of relations between the two governments." At a meeting held in Tokyo December 11, the following resolution was adopted:

> The Anti-Japanese Land Law of California is contrary to the dictates of international justice, and is calculated to impair the friendly relations between Japan and America. We therefore claim its abrogation. We are opposed to all negotiations which may culminate in the giving of a promise absolutely prohibiting Japanese emigration into America.

It may be added that the Act of 1920 has been made the object of attack on constitutional grounds at virtually every point. A practical effect is "that an alien Japanese father may purchase agricultural land as a gift to his child and he may then be appointed guardian of the person and property of said child."

Nothing can be clearer, as a matter of pure historical record, than that —as in the case of Chinese immigration—there has developed in California a deep-seated, persistent, and unalterable opposition to Japanese immigration into the State. And where the Japanese were most numerous, there the hostility to them has been strongest,—it is a very real feeling, based upon a very concrete situation, and not an abstract or preconceived race antipathy.

Whence arose this opposition? What were the sources of this antagonism to the presence of a Japanese population in our midst? To attempt any complete analysis and adequate discussion of the situation in all its phases would carry us far beyond the limits of this chapter. Yet so significant is the historical question involved, and so fraught with potentialities for the future, that at least in bold outline we must attempt to discover the main causes for the facts that have become history.

First of all, there must have been powerful reasons impelling multitudes of Japanese citizens to leave their homes in the island empire,—reasons operating with particular force to draw them to the Pacific Coast of North America. Well then, with a population of 57,000,000,—a density of nearly 400 per square miles,—increasing at the rate of three-quarters of a million annually, on a territory of less area than California, only one-sixth of which is arable, what must inevitably happen when the doors are once opened outward to the world? Japan can never be put back "into the shell of the old hermit nation." The one compelling reason urging the Japanese outward, and particularly California-ward, was economic betterment. And if economic reasons explain the emigration of the Japanese, we have but to reverse the picture to discover the first fundamental ground of objection to Japanese immigrants in California. It is plainly economic.

The few score of Japanese who founded a colony at Gold Hill in California in 1869 for the purpose of growing silk had been received "with great favor." But as increasing numbers entered the Golden Gate and distributed themselves in certain of the industries of the State—the anti-Chinese feeling meanwhile having reached fever heat—there developed unmistakable and growing dissatisfaction. Perhaps the most common ground of complaint was that based on the living standard. This has been expressed by former United States Senator James D. Phelan in these words:

> . . . because they work unremittingly,—man, woman and child,—maintain a low standard of living, and participate in none of the activities of the community, they are capable of crowding out, and do crowd out the white population, until today (1917) the greatest production of potatoes, garden truck, beans and berries is controlled by them.

Governor Stephens expressed the same sentiment:

> These Japanese, by the very reason of their use of economic standards impossible to our white ideals—that is to say, the employment of their wives and their very children in the arduous toil of the soil, are providing crushing competition to our white rural population.

The ground of complaint was not so much that the Japanese laborers continued to work for low wages as that they tended to supplant the whites by maintaining their "impossible" standards, and especially by their very disinclination to work for wages at all and their pronounced proclivity to bargain for a share of crop or a cash rent. They displayed much aptitude and initiative in adapting themselves to varied industries

and seemed to possess to a remarkable degree a land hunger that brought down upon their heads an ever-increasing feeling of hostility and resentment. Investigation in 1909 showed that they owned 10,791 acres of farm land, assessed, with improvements, at nearly $400,000. The later investigation by the State Board of Control in 1920 showed that they then owned, or had bought on contract, 74,769 acres and 1,036 city lots, and that on their own admission they occupied a total of over 427,000 acres, which represented more than a four-fold increase in a single decade. It was also pointed out that in some of the richest farming districts in the state, Orientals occupied "a total acreage ranging from fifty to seventy-five per cent of the total irrigated area." The Orientals had become strongly intrenched in five important districts: (1) the rice district of Glenn, Colusa and Butte counties; (2) asparagus, berry, vegetable, fruit and vineyard sections of the delta of the Sacramento and San Joaquin, and Sutter and Placer counties; (3) grape, raisin and fruit districts of Fresno, Kings and Tulare; (4) vegetable and fruit districts of Los Angeles and Orange counties; and (5) canteloupe and vegetable districts of Imperial Valley.

In December, 1919, Senator J. M. Inman, then president of the California Oriental Exclusion League, said:

> The Japanese today control almost 92 percent of the bean crop of California . . . 90 per cent of the celery, 82 per cent of the asparagus crop, 79 percent of the seed crop, 66 percent of the onions, 63 percent of the canteloupes, and 50 percent of the beet sugar crop.

The fishing industry rapidly fell into the hands of the Japanese—it is claimed that the numbers engaged in this business increased 168 per cent during the four-year period preceding 1920.

In 1909 the Immigration Commission estimated the number of Japanese in the United States employed in city trades and business at from 22,000 to 26,000; in agriculture, as farm laborers and farmers, at a maximum of 40,000; in railroad work, at 10,000; and in salmon canneries, at 3,600. Organized labor has been consistently opposed to the Oriental laborer, on economic rather than racial grounds. The Japanese laborers, mostly unskilled, were willing, at least for a time, to work longer hours for less pay, thus tending directly to break down trade union rules and lower the standard of living.

Brief reference may be made to the political ground for opposition to Japanese immigration. According to our early naturalization laws, only those aliens who are "free white persons" may become citizens of the United States. In 1870 the law was amended to include aliens of African nativity and persons of African descent. In the case of Saito *vs.* United States, the Circuit Court for the district of Massachusetts set forth the theory that Japanese do not come within the meaning of the term "white persons," as used in our naturalization laws:

> The court rules that the statute must be taken in the ordinary sense, and that the application of Shebato Saito must be denied upon the

> ground that he was of the Mongolian race and that the term "white person" excluded the Mongolian race, and therefore the application is denied.

The fact that at least a score of Japanese have been actually admitted to American citizenship has not been permitted to vitiate the general dictum that the Japanese are as a race ineligible to citizenship, being excluded from naturalization by court interpretation. The Chinese, on the other hand, are specifically excluded by the statute.

Just as certain Californians had professed to believe that a conspiracy existed in the Chinese Government to gain California, then the Pacific Coast, for China, so, a generation later, there were not lacking those who claimed that the Japanese immigrants, aided by their home government and white sympathizers here, were "determined to win California for the Yamato race." Thus the *Grizzly Bear Magazine,* official organ of the Native Sons of the Golden West, said editorially, February, 1921:

> The Japs have "future race plans for a hundred years," and these plans, which include the acquisition of California and the west Coast of the United States for Japan. The Japs in this state have resolved to "defend to the death at whatever sacrifice!" And the Japs will succeed, unless the United States, led by California, which has seen the handwriting on the wall, turns a deaf ear to the "equality" and "justice" pleas of the Jap propagandists and not only makes it impossible for them to get a stronger foothold here, but forces them back where God Almighty intended they should be kept—in Asia.

Similar sentiment was expressed by the *Fresno Republican,* published in one of the leading strongholds of the Japanese in California:

> The right to penetration is the only thing that will satisfy Japan, because it wishes to find foreign territory for its surplus population and is willing to take chances on keeping the loyalty and support of such emigrants, even though they may acquire or be granted citizenship in the United States.

On political as well as economic and social grounds the order of Native Sons of the Golden West has been unceasing in its vigorous opposition to Japanese immigration. In April, 1920, ringing resolutions were adopted opposing the admission of the Japanese to citizenship and protesting against the presence of bodies of people ineligible to citizenship in our country. It was declared to be the "highest duty of every Native Son to use his utmost efforts to further a movement to provide a remedy for the evil set forth": all were exhorted to use every exertion to secure the passage of the Initiative Alien Land Bill of that year.

We come now to the third broad ground of opposition to Japanese immigration,—namely, social. This is the most fundamental and far-reaching of all. Economic competition, however sharp, might be met, if it did not involve social considerations; political assimilation might conceivably be attained, if there were no question of race amalgamation. That is the crux of the matter. If race amalgamation,—that is, the intermarriage of Americans and Japanese,—is impracticable, then the presence of a large population of the latter in the United States must inevitably

constitute a race problem as surely as has the African Negro, and possibly even more difficult of solution.

The birth rate of the Japanese in California has recently been so much higher than that of the whites as, in the opinion of many, to constitute a real menace. Thus it is pointed out that in Los Angeles County, in May, 1919, outside of the incorporated cities, the number of Japanese births was one-third of the aggregate births among all white races; while in Sacramento County, outside of Sacramento City, in 1918 the Japanese births actually exceeded the white births.

In explanation of the high birth rate among the Japanese in recent years it must be noted that the percentage of women rose from 3.9 per cent among the immigrants of 1886 to 63.1 per cent for 1914. Moreover, about 90 per cent of the immigrants were from fourteen to forty-four years of age. Thousands of these women were given passports on the ground that they were coming to the United States to join their husbands, since the arrangement contemplated that "where a Japanese laborer is migrating for the purpose of joining a member of his immediate family the passport may be issued."

Here we introduce the "picture bride." The laborer in America who was unable to go home and get married sent for a wife. A Japanese writer offers this description:

> Exchange of photographs through a go-between enables a man in Santa Barbara and a maid in Hiroshima to get acquainted. They agree to become man and wife. The wedding ceremony is largely a matter of legal documents, the whole expanse of the Pacific standing between the bride and the bridegroom. The couple continue to reside apart on the opposite shores for a period of six months prescribed by law, at the end of which the bride comes over the ocean to join her husband, whom she knows by his photograph. The Japanese call it "picture marriage." The lady is dubbed a "picture bride" gratuitously by American journalists.

It has been explained that the law of Japan sanctioned this practice, which was not there regarded as immoral.

The total number of picture brides sent out from Japan to the United States and Hawaii from July 1, 1914, to August 30, 1919, is given as 20,323, of whom all but 6,864 came to the Pacific Coast. It may be that these figures are exaggerated; but it is sufficient to know that within a short period of time thousands of "picture brides" entered the port of San Francisco.

The opposition to the practice by Americans was natural and was based on several grounds. In the first place, it shocked American sensibilities; secondly, it came to be regarded, in large part, as a subterfuge and method of evasion of the spirit of the Gentlemen's Agreement; thirdly, the most of the "picture brides" were in reality laborers, promptly joining their husbands in field and farm, sometimes even referred to as "unfortunate chattels"; fourthly, it brought within our borders a numerous body of potential mothers for an unwelcome element of popula-

tion; and lastly, and perhaps chiefly, it provided for establishing homes and rearing families in their midst with virtually no prospect of being an integral part of American communities.

Some prominent Japanese joined in the condemnation of the practice as "a degrading utilitarianism," recognizing the cheapening and lowering of the standard of marriage qualification. A cheap marriage, they said, is not a blessing to the individual nor to society. In October, 1919, the Japanese Association of America, keenly aware of the current criticism, passed a resolution proposing to abolish the picture marriage; two months later it was officially announced that after February, 1920, passports to "picture brides" would cease to be issued.

The Gentlemen's Agreement was designed "to meet the actual requirements of the situation as perceived by the American Government concerning Japanese immigration," and to provide against the possible necessity of statutory exclusion that would be offensive to the sensibilities of the Japanese people.

There is little room to doubt the efficacy of the arrangement during the first years of its operation. The Commissioner-General of Immigration said in his *Annual Report* for the year ending June 30, 1909:

> The experiment . . . has certainly, with the cooperation of the Japanese Government, much more completely accomplished the exclusion of Japanese laborers, as defined in the regulations putting the agreement into effect, than have the Chinese Exclusion Laws ever operated to prevent the immigration of Chinese laborers, as defined in such laws, and is working at this moment with a greater degree of relative success.

That President Roosevelt foresaw the possibility of a failure of this plan is revealed by a long telegram to Speaker Philip Stanton of the California Assembly, sent February 9, 1909, after conference with United States Senator Frank P. Flint, Representative Julius Kahn, and Franklin K. Lane of the Interstate Commerce Commission. This message is, in part, as follows:

> I trust there will be no misunderstanding of the Federal Government's attitude. We are zealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan, we are now carrying out a policy which, while meeting the interests and desires of the Pacific Slope, is yet compatible not merely with mutual self-respect, but with mutual esteem and admiration between the Americans and Japanese.
>
> The Japanese Government is loyally and in good faith doing its part to carry out this policy, precisely as the American Government is doing. The policy aims at mutuality and harmony.
>
> In accordance with it, the policy is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment; *but that there shall be no settlement, en masse, by the people of either community in the other.*

> Let me repeat that at present we are actually doing the very thing which the people of California wish to have done, and to upset the arrangement under which this is being accomplished can do no good and may do harm. If, in the next year or two, the figures of immigration prove that the arrangement which has worked so successfully during the past six months is working no longer successfully, then there would be good ground for grievance, and for the reversal by the National Government of its policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it—and when changed, it can only be changed effectually by the National Government.

In the nature of the case, however, the Gentlemen's Agreement could not be looked upon as a final solution to the international problem. Moreover, it can not be doubted that there was opportunity for surreptitious entry into the United States, by land across the long and inadequately patrolled Mexican border, and to a less extent across the Canadian border, and by fishermen's boats along the Mexican coast to California harbors. Certain it is that the Japanese population in California rapidly increased during the decade 1910-20. Information of apparently unquestionable authenticity pointed to the conclusion that smuggling across the Mexican border was carried on to a large extent; and while it would not be just to ascribe this to any design on the part of the Japanese Government, it may be pointed out that it nevertheless tended to prove that the Gentlemen's Agreement did not after a few years successfully serve the purposes intended. In 1920 the Commissioner-General of Immigration declared that Japanese surreptitiously entered this country from Mexico and South America.

Again, as has already been pointed out, the influx of "picture brides" in reality added materially to the population of Japanese laborers. Indeed, it was held that the practice was to no small extent a device for that very purpose and was as a national tradition within Japan of relatively slight importance. Since a Japanese in the United States had a right to send not only for his wife but for his children, he was permitted, in accordance with a native custom, to adopt a blood relative "to carry on the family traditions." Thus there grew up in California the practice of adopting children in the home land, which children, after the lapse of a certain period of time, might enter the United States. Boys were called "Yoshi," and girls "Yojo." After arrival here it was possible for them, after having dissolved the relationship, to send to Japan for their own relatives. Still another method of evasion—probably never extensively employed,—was a practice of bringing relatives under the guise of dependents. It is obviously impossible to present reliable statistics on the subject of smuggling.

Some of the most serious evasions were charged against the Japanese already established in California. Thus Governor Stephens in his letter to Secretary Colby said:

> Again, I deplore the necessity of stating that the spirit of the Anti-Alien Land Legislation passed in 1913 has been evaded and broken

> through the resort to certain legal subterfuges which have almost frustrated the very purpose of the enactment. These evasions have been accomplished through the medium of corporations, trustee stock ownership, and the device of having native infant children of Japanese parentage made grantees of agricultural lands controlled and operated exclusively by their non-eligible parents.

In some cases Japanese were charged with signing leases in which they had no interest in order to permit their return; in others corporations were formed to avoid the limitations of the Alien Land Law of 1913, which made the ownership of land by individual Orientals illegal. In these corporations a majority of the capital stock at first was held by American citizens to act as trustees; but in equity they were "owned, controlled and operated" exclusively by Orientals. Later the Japanese formed corporations with minor children, American born of Japanese parents, as principal stockholders.

The result of the various methods of evasion and forms of subterfuge —real and alleged—was to deepen the suspicion for the Japanese in California and so make their presence more undesirable and accordingly increase the clamor for legislative exclusion.

In the spring of 1924 the whole immigration policy of the United States came up in Congress for final consideration. To the comprehensive measure was attached a section that aimed particularly at Japanese exclusion. The bill passed the House; but even then it was generally assumed it would not be acceptable to the Senate. The situation was quickly changed when, on April 10, Ambassador Hanihara made public a letter defining the Gentlemen's Agreement and pointing out how seriously Japanese public opinion would be affected if Congress should pass an act impugning the honor of his country. The use of the words "grave consequences" in this memorable letter had precisely the opposite effect to that evidently desired: this expression was at once regarded as a "veiled threat" to the United States, and forthwith the Senate proceeded to pass the obnoxious section by an overwhelming vote. It had been a strenuous campaign. Among the individuals prominently on the firing line for exclusion were V. S. McClatchy of Sacramento and J. D. Phelan of San Francisco; while the organizations most actively seeking the same end were the American Legion, the California State Grange, the American Federation of Labor, and the order of the Native Sons of the Golden West. In approving the bill as a whole President Coolidge said, in a statement:

> If the exclusion provision stood alone, I should disapprove it without hesitation, if sought in this way at this time. But this bill is a comprehensive measure dealing with the whole subject of immigraton and setting up the necessary administrative machinery. The present quota act of 1921 will terminate on June 30 next. It is of great importance that a comprehensive measure should take its place and that the arrangements for its administration should be provided at once in order to avoid hardship and confusion. I therefore consider the bill as a

> whole and the imperative need of the country for legislation of this general character. For this reason the bill is approved.

This act abruptly put an end to the Gentlemen's Agreement, and it provides that no aliens ineligible to citizenship, with the exception of exempted classes (government officials, tourists, professors, ministers of religion, students, etc.), shall be admitted into the United States. In incorporating the exclusion provision of the Immigration Act of 1924 Congress enacted into a general statute, with no specific mention of Japan or the Japanese, a long established and well understood policy of the United States—that of discouragement of the immigration of aliens ineligible to citizenship and hence definitely unassimilable. Of the population affected by this measure the Japanese, in reality constitutes less than ten per cent. It has been pointed out, therefore, that to place the Japanese under the quota on the same basis as that which applies to people eligible to citizenship would itself be highly discriminatory.

> "To place Japan under the quota," writes V. S. McClatchy, "cannot be done without violating the established policy of the nation, since such plan would give to certain aliens ineligible to citizenship, and excluded therefore as immigrants, the same rights in admission as are granted to aliens eligible to citizenship, and further would discriminate in favor of one nation whose people are ineligible to American citzenshp while still barring all others ineligible to that privilege.

In entering a formal protest for Japan with Secretary of State Hughes, Ambassador Hanihara did not deny the "inherent sovereign power of each State to limit and control immigration to its own domains," but deplored what he regarded as evident injustice to a foreign power "in disregard of its proper self-respect, of international understandings, or of ordinary rules of comity."

Secretary Hughes, while expressing friendliness to Japan, advised the Japanese Government that "Congress had acted entirely within its rights and without any intent to insult Japan or hurt her pride, and that the matter was ended." President Coolidge gave clear expression to the same conclusion in accepting the nomination for reelection:

> I should have preferred to continue the policy of Japanese exclusion by some method less likely to offend the sensibilities of the Japanese people. I did what I could to minimize any harm that might arise. But the law has been passed and approved, and the incident is closed. We must seek by some means besides immigration to demonstrate the friendship and respect which we feel for the Japanese nation. Restricted immigration is not an offensive but a purely defensive action. It is not adopted in criticism of others in the slightest degree, but solely for the purpose of protecting ourselves. We cast no aspersions on any race or creed, but we must remember that every object of our institutions of society and government will fail unless America be kept American.

In spite of assurances to the contrary both national and local, it is difficult for the Japanese, who entertain a feeling of wounded national sensibility, not to see in the exclusion act a suggestion of racial inferiority.

It would, however, be a serious error to charge the Japanese with race inferiority based upon any fiat of unalterable race status. The truth seems to be, there is "no static, inherent, abiding status of race superiority or inferiority"; and this may be applied with particular force to so dynamic and progressive a race as the Japanese. It is a matter of variety, and not of superiority or inferiority. In the case of the Japanese, it is their very lack of abiding status in the economic field, their great mobility, rather than their fixity, that renders them such dangerous competitors to the Americans. The real problem, as Governor Stephens so well pointed out, "has nothing to do with any pretensions of race superiority, but has vitally to do with race dissimilarity and unassimilability."

For the typical Californian the conclusion of the whole matter is admirably summed up by former United States Senator John D. Works:

> But the Japanese nation must recognize and respect the unalterable fact that immigration of her people into this country must not and will not be permitted.

It is not that the Californian wishes any harm to Japan, but that he wishes to keep California for the white race.

CHAPTER XXXIX

IRRIGATION, RECLAMATION, CONSERVATION

What Californians are prone fondly to call the Arcadian period of their history,—the days of a former régime,—were in truth the days of idle, wasteful childhood: we do well to cherish their memory, but we do not desire to return to them. Then came the period of storm and stress, hot and feverish for gold and government;—that was an age epic-like and filled with romance, but withal a time of prodigal exploitation. Only in our own day has California reached virile maturity, full-armed for many a worthy conquest, committed to a wise conservation of marvelous resources in the achievement of a destiny commensurate with noble gifts.

Irrigation in some form and to some extent dates from remote antiquity and is virtually universal. The earliest examples of irrigation in California were those found in the little gardens of the Franciscan mission fathers, where mountain streams were first turned on the thirsty soil. This is but one of many first things in California attributable to the devoted labors of the faithful friars.

In the earlier years of American occupancy irrigation was commonly thought to be unnecessary except in the extremely dry or arid regions; it was a frequent boast in California that certain lands did not require irrigation,—accordingly the most serious disadvantage to farming was the recurrence of droughts in extensive areas, while any general practice of irrigation was not regarded feasible or even desirable.

The comparatively late development of irrigation in California,—together with the fact that its vast potentialities were not wholly unperceived,—is well illustrated by a brief excerpt from *The Natural Wealth of California,* by Titus Fey Cronise, published in 1868:

> Except in a very small way, as in the arid plain of Los Angeles, and in Yolo county, there is no extended system of irrigation in this State. Cultivation is confined chiefly to places and to crops which do not need it . . . There is, however, a vast amount of steppe land lying east of the great valleys, and rising in plateaus towards the steeper hills of the mining districts, that are at present of small account, but which could be made valuable by irrigation. On these plains and rolling prairies the drought parches everything . . .
>
> California is well situated for a grand, economic, and thorough system of irrigation. The great snow-covered Nevadas, rising seven thousand feet above the plains, run nearly the length of the State, and command the whole western slope with the means of ample irrigation. Great lakes of supply lie on the high ranges, having fine depth, and

> snow remains there all summer, melting under a fervid sun . . . Artesian water, judging by past experience, seems to be plentiful in all the valleys that lie embosomed amid lofty mountains, which supply water to the channels that in California lie deep below the surface. . . .

As late as 1871 the area reported under irrigation in the entire State was only 90,344 acres, of which 18,200 acres were in Los Angeles County. The irrigation works existing prior to 1872 were relatively of very slight importance: less than one acre in a thousand was affected, and the expense was burdensome.

IRRIGATED VINEYARD IN SAN JOAQUIN VALLEY
(From Pictorial History of California.)

More recently, however, California has come to be recognized as essentially an irrigation state. By the early eighties no less than 190,000 acres were under irrigation in the San Joaquin Valley alone, the usual cost per acre being $1.50. It is now well understood that the natural rainfall is wholly inadequate in amount and undependable in time distribution to insure maximum productivity; and that in many regions it must be regarded as merely supplementary to irrigation. To come to this new point of view has required radical readjustment in thinking; for, as pointed out by William E. Smythe,

> It is difficult for those who have been in the habit of thinking of irrigation as merely a substitute for rain to grasp the truth that precisely the contrary is the case. Rain is the poor dependence of those who cannot obtain the advantages of irrigation.

So complete has been the reversal of attitude here that to thousands of California farmers the dependence upon rainfall for tilling the soil is, by comparison, "like the tallow dip to the electric light."

Vast regions in the great Sacramento-San Joaquin Valley, as well as in the more remote portions of the State, have been brought under regular systems of irrigation, and still the productivity of wide stretches of additional lands may be multiplied by the systematic application of the life-giving factor—water. The severe drought of 1924 has sharply emphasized the necessity for the wise and concerted conservation of moisture, made doubly imperative by the rapidly increasing population. Conservation must be such as will meet the exacting demands of the driest winters, while at the same time providing adequate flood control for the wettest.

The first great ditch of the new era of irrigation was that of the San Joaquin and King's River Canal and Irrigation Company, constructed to serve 15,000 acres the first year. The ditch was thirty-eight and a half miles long, fifty-five feet wide, and four feet deep, with a descent of one foot to the mile. Among other companies prominent in developing irrigation in the early seventies were the King's River Irrigation Company, Friedlander, Chapman and Howard, and Chapman, Miller and Lux. It was feared by some that the construction of large canals would tend to bring the land into the ownership of those owning the irrigating ditches; but on the other hand, it was early pointed out by J. S. Hittell that—

> there are more land-owners and more thorough cultivation in proportion to the area at the cities of Los Angeles, Anaheim, and San José, the chief irrigation centers of the State, than in any dry-soil districts. This should be a complete answer to those who argue that irrigation will help to concentrate the ownership of the land in the hands of a few, and reduce the farm laborers to greater dependence.

In the light of later experience, the first great law imposed by successful irrigation is, "There shall be no monopoly of land." It is the small farm that pays best. And the second law is like unto the first,—active cooperation is a prerequisite to successful irrigation. This principle has been well stated by E. W. Hilgard:

> As irrigation means heavy investments of capital or labor, hence the cooperation of many and the construction of permanent works: it necessarily implies the correlative existence of a stable social organization, with protection for property rights, and . . . a rather advanced appreciation of the need and advantages of cooperative organization.

There is wide variation in the methods of irrigation employed, leading factors being climatic conditions, the nature of the soil, the contour of the land, the nature of the crop, and the habits and traditions of the irrigators. Both flooding and furrowing have come into very extensive use. The former is generally applied by means of shallow basins inclosed within low embankments called "checks." From the highest basins the water is gradually drawn off by gravity into the adjoining basins, the process

being repeated under the watchful eye of the irrigator until the entire field has been flooded with water.

In the furrowing method, which has come into very wide use in California, the water is brought to the higher end of the furrows or small channels, which traverse the whole field or orchard, and there guided into a box-flume provided with small openings in the side. By opening and closing these apertures at will, the irrigator controls the gradual flow of water down the gradually sloping furrows, thus insuring an even degree of moisture throughout the entire area.

Sub-irrigation, while not hitherto very generally successful, is somewhat extensively employed in certain parts of the San Joaquin Valley and in southern California. This is an attempt to conduct the water immediately to the roots of the vines or trees, beneath the surface of the soil, and thus prevent the serious evaporation.

As in the early exploitative period of mining, so in irrigation the methods have often been crude and imperfect, mere habit or tradition sometimes standing in the way of rapid progress. But since maximum productivity and the profitableness of the whole enterprise comes to depend so largely upon correct methods, actual progress in recent years has been rapid.

The farmers of California have unquestionably been called upon to suffer some ills. Among the most severe have been the comparative droughts of certain dry seasons. The drought of 1862-64 was disastrous: there was complete failure of crops over extended regions, many cattle died for want of pasture, while literally hundreds of thousands were slaughtered. Other dry seasons included 1850-51, 1870-71, and 1876-77. The effects of the drought of 1924 are yet being experienced as this is written.

On the other hand, the floods of California have taken their heavy tolls. The great flood of the Sacramento River in 1849-50 did comparatively little damage because there were not then many settlements in its path. The flood of 1852-53 resulted in considerably more damage; then came the disastrous floods of 1861-62, which proved to be a genuine calamity to Sacramento, Stockton, and numerous other towns, as well as to hundreds of hard-working farmers. Sacramento was not only inundated but surrounded by flood waters in all directions as far as the eye could reach. A result was that at great toil and expense the levees were improved and otherwise precautions were taken against a recurrence of the enormous losses. There have been numerous floods since 1862, such as those of 1871-72, 1877-78, and 1881; but in recent years the relative losses resulting from floods have been very materially reduced by the ingenuity and works of man.

Fortunately there is a brighter side to the picture,—and in the general perspective this brighter side is the one that stands out in bold relief. In

California nature has done much for the farmer. This is well illustrated by Elwood Mead in his *Irrigated Institutions*":

> No other State has as diversified products nor as highly-priced farming land. The usual limitations imposed by latitude are here set aside. The leading irrigated districts of both northern and southern California have the unique distinction of being able to grow all the products of New England and Florida on the same acre of land. Date palms grow in the latitude of southern Illinois, and oak and orange trees shade the same blue grass lawn . . . The rainless season comes during the period of harvest and fruitage. Grain ready for the reaper may stand uninjured for months. The curing of forage is attended with none of the uncertainty or risk of loss which attends this work in humid districts. It is hard to estimate how much a cloudless sky has done toward developing the fruit-growing industries of California. Especially is this true of the dried fruits: peaches, prunes, apricots, nectarines, raisins, and figs could nowhere else in this country be dried in the sun with the safety and cheapness that attends this work in California.

It is only within very recent years that aridity has been recognized as a blessing. The average arid soil of the West has been found equal to the phenomenal in the East, while, says Smythe, "the soil of the arid West as a whole is beyond comparison with that of the humid East as a whole." However paradoxical it sounds, it has come to be a maxim that, "Arid countries are always rich countries when irrigated."

It is not the purpose of this chapter to discuss in an extended or technical manner the intricate subject of irrigation laws. The wide disagreement as to their character as a whole may be illustrated by such conflicting opinions as those of two eminent authorities,—John D. Works and Frank H. Short. In 1900 the former pronounced the laws "exceedingly crude and unsatisfactory": several years later the latter declared that in spite of the supposed iniquities of our laws, "we have the most extensive, the most productive, and the most profitable system of irrigation anywhere in the Western world"; and he added his opinion that the laws "reflect great credit upon the intelligence and fairness of the early inhabitants of California."

The elementary principles of the California irrigation laws took their origin in the early mining interests. It was simple priority of occupation and appropriation that gave title to claims, likewise to the water necessary for working them. The act of April, 1850, however, adopted the common law of England as a rule "under which riparian land-holders were entitled to an undiminished flow of the stream past their land." Almost from the beginning manifest inequities were perceived as a result of any serious attempt to make applicable under such dissimilar conditions the common law of England.

The right of appropriation and diversion of water to beneficial uses was repeatedly affirmed in court decisions and by Congressional act. The first recorded decision was in the case of Davis *vs.* Ware, rendered by Judge Joseph W. McCorkle of the Ninth Judicial District Court, for

Trinity County, and dated April 21, 1854. In this case the court pointed out the inapplicability of the common law doctrine to the actual situation presented, and stated that the "usages and regulations" of the miners were "legalized by the law-making power and adopted, and made as much a part of the law of the State, when not in conflict with the constitution and statutes, as the common law itself, and should be enforced by the courts as such."

> "As the law of this State stands today," wrote Judge John D. Works in 1900, "the common law of riparian rights is in force. But these laws are so entirely opposed to the best interests of the State that they are being but little regarded in the actual distribution and use of water, and therefore the conclusion of the Supreme Court that they must be respected, as existing rights, in this State, has not been as harmful as was at first anticipated. . . . And the Supreme Court has practically nullified the common law right to water by recognizing and making part of it the right of appropriation for irrigation."

The universal law that reserves navigable rivers as public property has been a guiding principle in riparian decisions; yet its application to the exceptional conditions in California has given rise to endless controversy and not a little litigation.

In the early eighties there was protracted agitation over the respective rights of riparian proprietors and those seeking to divert the water from the natural courses and apply it to irrigation. This culminated in the celebrated case of Lux *vs.* Haggin in the State Supreme Court. The crucial question was: "Can a private corporation divert the waters of a water-course and thereby deprive the riparian proprietors of all use of the same, without compensation made or tendered to such proprietors?" In the decision of the Court the chief points were as follows:

> First: That the owners of land by or through which a watercourse naturally and usually flows have a right of property in the waters of the stream.
>
> Second: This property may be taken for a *public use,* just compensation being first made, or paid into court. . . .
>
> Third: But one private person cannot take property from another, either for the use of the taker or for an alleged public use, without any compensation made or tendered.
>
> Fourth: Riparian owners may reasonably use waters of a stream for purposes of irrigation.

While a number of important irrigation enterprises had been launched before this decision was announced, it is safe to say that not one-twentieth part of the irrigable land in California had then been supplied with irrigation water. With this famous decision the history of irrigation in the State entered upon a new phase.

On May 14, 1884, following its initial meeting held the preceding March, the California State Irrigation Convention assembled at Riverside, J. W. North being chosen president and L. M. Holt secretary. The convention continued three days, engaged in earnest discussions on the

use of water in irrigation, and related topics. The cubic foot of water per second was recommended as the unit of measure, protest was uttered against the "seeming recognition of the English common law of riparian rights," the belief was expressed that in the interest of California development the "water and land should be sold together," and Congress was memorialized "to withdraw from sale all timber lands located at the head of irrigating streams" and to appropriate funds for "a system of deep artesian wells in those sections of the state not otherwise sufficiently supplied with irrigation water." The convention adjourned to meet in Fresno the following December.

J. DeBarth Shorb presided at this meeting, which continued through several days. Much attention was devoted to proposed legislative enactments, the matter being finally placed in the hands of the executive committee, and the convention adjourned December 6. At a comparatively early date it had been perceived that the denudation of the forests was having "a seriously detrimental effect on our water sources," and would likewise seriously affect the State's agricultural and horticultural interests.

Again, on May 20, 1886, the State Irrigation Convention met at San Francisco, delegates from some fifty irrigation clubs being in attendance. On this occasion there was organized the Anti-riparian Irrigation Organization of the State of California, whose declared purposes included the following:

> 1. To maintain that the right of appropriation of water for beneficial purposes, is and always has been paramount to any alleged rights of riparian owners, in this state.
>
> 2. To secure the adoption of an amendment to the state constitution, and amendments to the laws declaring that the common law of England is not and should not be the rule of property, or the rule of decision in the courts of this state, in controversies concerning the right to appropriate, divert and use water, nor in actions by or against actual appropriators of water for beneficial purposes; and that priority of appropriation for a beneficial purpose determines the right without regard to the ownership of the banks of a water course.
>
> 7. To obtain confirmation by the courts and the legislature as the law and the fact, that the use of the waters of streams for the purpose of irrigation, is a natural want in this state, and to be preferred to all other uses.

The Irrigation District Law of 1887 made provision for popular elections to determine the question of organizing districts by two-thirds vote. There was a vigorous and persistent fight against the validity of this statute, great landholders, as a general rule, being opposed to its operation and enforcement: nevertheless it was finally adjudged to be constitutional. As illustrations of the results of its application it is sufficient to refer to the well-known Modesto District, the Turlock District, and several others, in some of the finest farming and dairying land of the San Joaquin Valley. Indeed, a large part of that marvelous inland empire has been literally transformed by the mere application of a controlled supply of water for irrigation. Sacramento Valley, with its vast natural

resources and the largest water supply in the State, has been—paradoxically enough—the least irrigated. The explanation of this anomalous situation lies in the fact that farming there was in general so profitable even without irrigation that the full utilization of its invaluable water resources has been greatly retarded.

More than anywhere else the incalculable benefits of irrigation are appreciated in southern California. Prosperous towns like Pomona and Riverside have been built on some of the transformed tracts; the great citrus industry, unequalled anywhere in the world, owes its very existence to irrigation water; Los Angeles City, metropolis of the entire Pacific Coast, and Los Angeles County, the world's premier county in agricultural production, are alike unthinkable in the absence of life-giving, life-sustaining irrigation water. Irrigated agriculture, once ridiculed by many, has been pronounced the dominant industry of California.

But even if every drop of water that falls upon the mountain summits could be fully utilized, it would still be true that only a small proportion of the total area of the arid West could be brought under irrigation. Therefore conservation becomes a problem of first magnitude. Upon the complete control and wise distribution of the water supply the continued prosperity—if not the very existence of our homes—depends utterly. Says Professor Mead:

> No state has gained more than California from the artificial application of water, or has more at stake in the extension of its use.

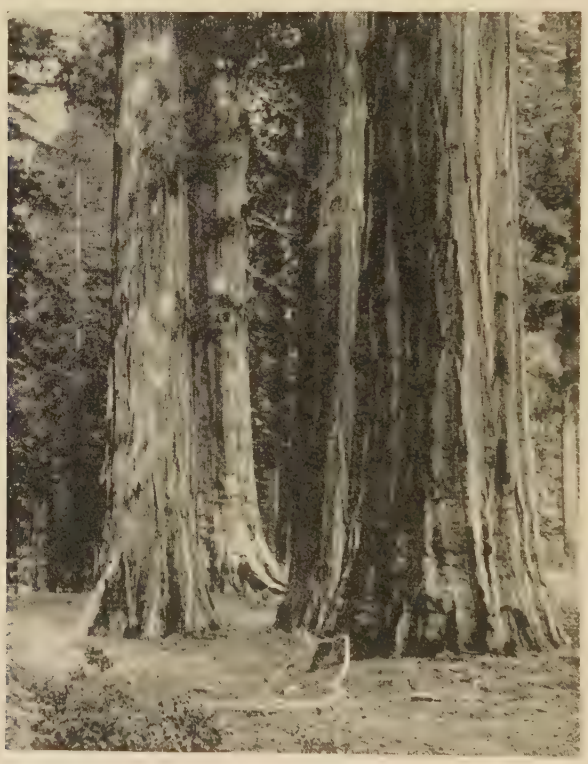
An exalted conception of the ideal of conservation as applied to the water supply is to conceive of the rivers and streams "as easily and effectively managed as the water in the distribution pipes of a modern city."

The intimate relation of moisture to the forests has been tardily perceived in recent years. The search for water and the regulation of the flow of the stream must begin on the watershed, where the influence of the forest is so beneficent. Less than a score of years ago the Tri-Counties Reforestation Committee was perfected in southern California, having for its worthy objects, "the diminishing of the Winter and Spring run-off and the increasing of the Summer flow of water from the San Bernardino watershed." Sheer physical erosion wrought by the elements in mountain areas that have been deforested represents prodigious and often irreparable loss. The terrible devastation of an unparalleled number of forest fires in California during the summer and autumn of 1924 is a solemn admonition to this generation to lay deep and secure the foundations of a future conservation policy for our magnificent forests.

From the standpoint of conservation perhaps the most important of all of California's natural resources is the forest area, or timber land. Timber production and water resources must go hand in hand: yet within a single generation far-stretching mountain-sides have been ruthlessly denuded, and over vast areas devastating forest fires have cruelly swept. When the timber and brush, which are by nature formed into an obstruc-

tion to hold back the run-off after precipitation and which augment the absorptive powers of the soil, have been removed, the cut-over and fire-burned areas are of little value as water-shed cover, and the water resources are unfavorably affected.

Allusion has been made to the splendid forests of the west as "the last stand," since they now comprise four-fifths of the nation's remaining virgin timber. During recent years there has been much serious study of the subject, and the importance of conservation is recognized not only by the Forest Service, both state and national, but also by forestry associa-



GIANT REDWOODS, MARIPOSA GROVE

tions, forest owners, lumber companies, and other groups. Conspicuous among such organized agencies is the Save the Redwoods League, whose membership includes many of the most prominent nature lovers and educators.

It is in the redwood region that scientific forestry has in recent years exhibited the most notable advance. Reforestation has actually

progressed on a substantial scale, largely, no doubt, because the redwood is one of the fastest growing of commercial trees. At the end of the year 1924 at least nine lumber companies were managing their properties on the basis of continuous production: a program was developed which called for the planting of 6,300 acres annually. Officers of the California Forest Protective Association reported the planting of close to a million and a half young redwoods, Douglas fir, spruce, and cedar on cut-over lands in the forest regions of Mendocino and Humboldt counties during the winter of 1924-25,—claimed to be a new record in reforestation.

In compliance with a wide-spread popular demand, as evidenced by the Conservation Conference in San Francisco, November 19, 1924, and the meeting of the Conservation Association of Southern California a few weeks later at Monrovia, the California Development Association accepted the leadership in a movement to develop a sound State-wide policy of conservation. The worthy objective is public service through wise measures applied to California's natural resources, classified as follows:

1. Water, in relation to irrigation, power, and municipal use.
2. Forests, from national, state, and individual viewpoints.
3. Land, in relation to agriculture, industry, and public use.
4. Oil and mining.
5. Recreation and scenic, in relation to national parks, resort hotels, wild life, travel, and the general public.

State-wide interest and active co-operation with federal agencies have already begun to produce good results in the perpetuation of California's varied natural resources and unrivalled beauty spots.

Water is not only the *sine qua non* for irrigation but is now and probably must always remain the chief source of power in California. Its availability for this purpose is almost matchless,—more than compensating for the relative absence of coal. The development of hydro-electric energy by great public service corporations such as the Pacific Gas and Electric Company and the Southern California Edison Company has been rapidly going forward for years. The Southern California Edison Company increased its generating capacity from 12,000 H. P. in 1900 to 500,000 H. P. in 1923. At present (1925) it serves a territory equal to the entire states of Vermont, New Hampshire, Connecticut, Rhode Island, New York, and Delaware, producing eighty percent of the power used in Los Angeles and contiguous territory. Certain municipalities also, chief of which is Los Angeles, are engaged in extensive developments in connection with their water supply systems.

Yet undoubtedly, under a State-wide coordinated plan of conservation many millions of acres could be irrigated and many thousands of horse-power of electrical energy could be generated by the water that every year goes to waste. As in the early history of irrigation, the filing upon water power sites and the development of hydro-electric power was for some time regarded as a private matter. The public service character of the utility, however, and the obvious and increasing necessity for coordina-

tion and articulation of the inter-related parts of a complex mechanism mark the power issue as one of the most vital importance to California's future. On the one hand there is every reason to believe that the use of electric power for irrigation requirements will continue to expand until all the available water will be distributed on the thirsty land, thus multiplying the productiveness of millions of acres of land. On the other hand, wise conservation and utilization of the State's vast wealth of water and power resources will give her an undoubted place of leadership among industrial states. In this respect she has as yet scarcely passed her infancy: her growth will be largely dependent upon the power supply.

While irrigation was still in its earliest stages of development in California, a few men began to perceive the importance of reclamation also, particularly the reclamation of the three million acres of tule lands lying along the shores of the San Francisco, San Pablo, Suisun, and Humboldt bays and the Sacramento and San Joaquin rivers.

In 1872 the Legislature passed an act authorizing the sale of bonds which might be regarded as mortgages on the respective districts reclaimed. Within two years about 100,000 acres had been at least partially reclaimed, though this was scarcely a beginning, and the main problem remained unsolved for years. It seemed virtually impossible, for example, that the great Yolo Basin, with its multiplied thousands of acres of tule lands,—representing an economic waste of huge proportions,—should ever be really subdued and made to produce abundantly. To reclaim that Basin, or even to span it with a permanent bridge was the dream of a generation by the people of Sacramento Valley. But at last the dream came true, and in May, 1916, the completion of the Yolo Basin Trestle, over three miles in length, was fittingly celebrated by practically the entire population of Sacramento.

As a result of State and Federal reclamation projects, always stimulated and advanced by private enterprise, the rich delta lands and island districts of the Sacramento and San Joaquin rivers have come to be fabulously productive in such products as deciduous fruit, alfalfa, potatoes, beans, and other vegetables. Mile upon mile of mosquito-producing malaria-breeding swamp has been transformed into the Holland of California, whose fresh fruits and vegetables and canned food-stuffs are poured forth into an ever-widening market with lavish hand.

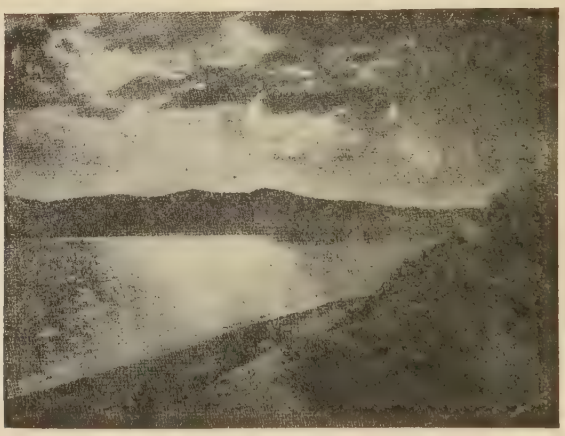
Irrigation and reclamation have become inseparably bound together in the development of California; but the future of both is conditioned upon a wise policy of conservation. Men are learning to shape their course in harmony with universal laws and not to waste the bounties of nature. As population increases and the margin of plenty decreases, the demands of the future impose the stern necessity of conserving the water vouchsafed by extensive works and projects. In this way alone can there be assured the basic stability of an available water supply with the corresponding increase in the State's productiveness.

In 1924 the total estimated cost of all conservation projects under way in California was nearly $25,000,000, to provide for the storage of 540,000 acre feet and the irrigation of nearly 300,000 acres of land. Within six months applications had been received for 216 projects, in addition to which are to be reckoned the various projects of the municipalities and the power companies. The "giant among the projects" in the list was the development of the Colorado River for each of the great purposes discussed,—domestic supply, irrigation, protection from floods, and generation of power. In magnitude nothing comparable with this has ever been undertaken by man. In this magnificent project huge sums of money must be spent, many interests must be harmonized; but who can doubt its ultimate success and its great blessings to a grateful posterity?

CHAPTER XL

THE ARID REGION RECLAIMED, THE DESERT TRANSFORMED

The winning of the desert wastes of Imperial Valley to abounding civilization and their transformation into a land of marvelous productiveness is, rightly considered, one of the most striking chapters in the wonderful romance of California history. In the process of readjustment rapidly proceeding by means of reclamation and irrigation, making thus available an ever-increasing area of productive land, California furnishes



SUNSET AT SALTON SEA

many an interesting and notable example: but the example *par excellence*, affording actual demonstration of sheer results accomplished, is found in the transformation of the great Colorado Desert into the opulent Imperial Valley. Surely here was a vast arid region, virtually without the blessing of rain, that has become the garden spot for multitudes, here the far-stretching solitudes and wide-circling waste places have been made to pour out undreamed-of treasure.

Imperial Valley, with an area in California of about 6,000 square miles, is adjacent to the Mexican border in the southeastern corner of the State, lying immediately west of the Colorado River. It constitutes an essentially physiographic unit, "surrounded by bold, treeless mountains."

Much of it is below sea level, and stretching over the lowest part of the depression is the Salton Sea, consisting of the seepage water which has found its way to the lowest levels and the slowly subsiding flood waters from the Colorado. The mighty Colorado flows in a general southerly direction, while the Alamo and New rivers, only a slight distance to the westward, flow north, the explanation of course being that the smaller rivers flow back into the Salton Sink, about 250 feet below sea level. Thus the Colorado flows along the very rim of the valley, separated from it by a low range of hills.

By the process of the ages the great river with its torrential floods has built up the wonderful delta lands of Imperial Valley, from the Arizona Mesa to the Cocopa Mountains, discharging alternately through the arroyos of New and Alamo rivers into the Salton Sink and into the Gulf of California. So stupendous have been the quantities of silt washed down by the swift current from the western slopes of the Rocky Mountains that the valley soil in some places attains a depth of many hundred feet. According to observations made by the Southern Pacific Railroad Company at Yuma, the lowest discharge of silt was 2,400 cubic feet per second (January, 1894), while the highest was 149,500 cubic feet per second (June 24, 1909). The highest average rate (June) is estimated at the incredible amount of 3,000,000 acre feet monthly. To make the matter still more graphic, careful studies have resulted in the estimate that upwards of 148,000,000 tons of solid matter passed Yuma every year; and this is enough to make nearly 72,000 acre feet of dry alluvial soil. As Herodotus referred to Egypt as "the gift of the Nile," so we may with truth acclaim the Colorado as the creator of Imperial: for the use of its waters in the development of irrigation has indeed transformed the region of the Salton Sink into the Imperial Valley.

During the greater part of the year the climate of Imperial is delightful: the summer heat, however, while affording one of the conditions essential to its marvelous productivity, constitutes the most serious objection to year-round residence in the Valley. The explanation of the aridity lies in the fact that the moderating effects of the ocean are virtually shut out.

White men first crossed the Colorado Desert in 1774, when Juan Bautista de Anza, at the head of an expedition of thirty-four men, crossed the Colorado River and plunged into the desert waste, bent on exploring an overland route to Monterey. In 1781 Captain Rivera's band of colonists made their way across the desert to the site of Los Angeles, there to found the second pueblo of Alta California. Following Anza's route came General Kearny, late in 1846, with the "Army of the West," to complete the conquest of California. With great suffering to man and beast, Kearny crossed the desert, a distance of ninety miles, in three and a half days. During 1849 a number of gold hunters were so unfortunate as to select this route, which brought dreadful suffering.

It was in 1849 that Dr. Oliver M. Wozencraft, a San Francisco physician, visited the Valley. He conceived the idea of reclaiming the Sink, and so completely did he become absorbed in the plan that he first presented his ideas to the State Legislature, then carried them to the National Congress, and finally died in 1887, while still patiently but hopefully engaged on his mission. His daughter, Mrs. Mary Streibrenner, afterwards said:

> It was his own idea and no one's else. . . . My dear father lost a fortune on it. . . . Everything went for the desert. Dear father was confident of success. He gave his very life to achieve its reclamation.

It is fitting that Wozencraft is known as the "Father of Imperial Valley."

It was in connection with the partial survey made by the government in 1880 that the New River received its name. Six years later the Southern Pacific Railroad was constructed across the valley, connecting Los Angeles and Yuma. It was about this time that the New Liverpool Salt Company built a large plant near the northern end of what is now the Salton Sea. Taking advantage of the minimum of refining required in so favorable a location, the plant was operated successfully until the year of the great flood (1906), when it was completely destroyed.

During the early nineties cattlemen took advantage of the luxuriant growth of grass caused by the overflow waters in the southwestern portion of the valley by herding their cattle there till the summer heat and drought destroyed the pasture. Among the first to drive their cattle into the valley were Mr. Frank Thing and his brother. After spending several winters there, Mr. Thing took up his residence at Calexico as one of its first permanent settlers.

Charles Robinson Rockwood is the man to whom, more than to others, should be given chief credit for the actual reclamation of the Salton Sink. Here was a man of vision, of indomitable courage, and of unconquerable persistence. Born in Michigan, he attended the great University of that State, choosing engineering as his profession. After seven years of service with the Southern Pacific Railroad, he entered the United States Geological Survey in 1889, and became chief engineer in the Yakima Valley Reclamation project in Oregon, which, however, was never completed because financial support was withdrawn.

John C. Beatty, a prominent promoter, sent for Rockwood and asked him to investigate the feasibility of bringing a vast tract of land in Sonora under irrigation by using the waters of the Colorado River. The project was reported on unfavorably; but Rockwood heard of the Salton Sink and immediately proceeded to investigate. Quickly perceiving the vast possibilities, he made his report to Beatty, who at once abandoned the Sonora project and proceeded to organize the Colorado River Irrigation Company. The actual survey of the Sink was begun in the winter of 1892, and the field notes were presented to Beatty the following spring; but

because of the great financial panic of 1893, it was impossible to proceed at that time.

From this point we must content ourselves with a very brief and necessarily incomplete outline of the devious experiences and almost incredible and repeated vicissitudes that led at last to final success. Beatty made a trip to New York, trying to interest eastern capital, but with slight success. It was found that a firm in Scotland held the option on certain lands in the Mexican part of the valley; therefore Rockwood crossed the Atlantic in an attempt to interest the holders of the option,—but in vain. A little later, having become dissatisfied with the conduct of Beatty, Rockwood secured the assistance of Samuel W. Ferguson, manager of the Kern River Land Company. Then Anthony H. Heber, a Chicago promoter of some prominence, was interested in a new project. On reaching California, he joined his associates in incorporating the California Development Company, which was capitalized at $1,250,000, with Heber as president.

After the set-back of a serious illness in the summer of 1897, Rockwood again journeyed to Europe in search of capital, but without result. Weary and depressed, he would perhaps have given up the struggle but for his bull-dog tenacity. Securing the promise of Silas B. Dutcher, president of the Hamilton Trust Company of Brooklyn, to finance the project, the early elation of Rockwood and Heber can best be measured by their sudden dejection on reading in the next morning's papers of the sinking of the *Maine* in Havana Harbor, and on learning the consequent refusal of Dutcher to carry out the agreement. The reclamation enthusiasts were called upon to suffer still another bitter disappointment when, after a third trip across the Atlantic, they practically completed the deal with an English firm which would mean the financing of their project, only to receive at last, without explanation, a cable message to the effect that the transaction could not be completed. After years of fruitless effort, Rockwood felt compelled to accept work that would afford him a living, and Heber returned to his family in Chicago.

> "Apparently every source of capital had been exhausted," says Mrs. Romer. "Those most interested had also used up all their private resources. Mr. Rockwood was indeed discouraged. Could his fond dream ever be realized? The plans were complete. Every detail had been carefully thought out. All that was lacking was the money to carry out the work. The total liabilities of the California Development Company at this time were $1,365,000. There was nothing to show for it but the filing on the River and the camp and surveying equipment. Even the filing had to be renewed. The Attorney-General of New Jersey began suit to cancel the charter of the company for non-payment of the annual tax to the state."

Such was the condition of affairs when at length the man was found who was to finance the cherished project. It was George Chaffey, a native of Ontario, Canada, who had come to join his parents in the new town of Riverside. He operated the first electric light in southern Cali-

fornia, having devised a small power plant in connection with the Etiwanda irrigation system. Likewise he installed in Los Angeles the first system for electric street lighting in the world. But perhaps even more significant than these was his founding at Ontario, California, of Chaffey College, now one of the foremost junior colleges and high schools of the State.

When the plans for reclaiming Imperial Valley were presented to Chaffey, he saw in them a magnificent opportunity. Without waiting to make a thorough analysis of the financial problems involved, he entered with enthusiasm upon the work of construction. The contract he signed on April 3, 1900, gave him practically complete control for a period of five years.

In order to gain permission to run the canals through Mexican territory, colonization was necessary. As a colonizing agency the Imperial Land Company was organized. Actual work was begun in April, 1900. That year George Hunt located in the Valley, establishing the California and Mexico Company. Securing the interest of General H. G. Otis, owner of the *Los Angeles Times,* the outcome was the purchase of a great ranch of 700,000 acres, lying partly in the United States and partly in Mexico. As a result of the publicity campaign, settlers began to pour into the valley. At the fall election of 1900 ten ballots were cast in the first voting precinct. The Imperial Land Company laid out the town-sites of Imperial, Calexico, Brawley, Heber, and Silsbee. Imperial was the first to be built up, and this attractive town has remained one of the valley's leading centers of population. "Imperial Valley" was adopted as the name for the region to be placed under irrigation;—for colonizing purposes it was deemed more attractive than "Colorado Desert"! Thus the present name has been firmly established as applying to the cultivated area of the Colorado Desert.

Early government surveys of the valley contained serious errors. Therefore a new survey was authorized by act of Congress in July, 1902; but it was not until seven years later that the interior township lines were completed and finally approved. This added another to the many early hardships of the settlers, since they were unable to obtain patents for their holdings, thus rendering it impossible to secure loans on them.

In June, 1901, water reached the boundary line. The luxuriant growth of vegetation along the ditches proved that the only factor needed to make the desert bloom was water. The similarity of conditions to those of Egypt was observed by travelers, as crops of sorghum, milo maize, canteloupes, and other cereals and vegetables were produced near Calexico. The idea of cotton growing was seized upon, and by the end of 1901 nearly 80,000 acres of land had been filed on.

The California Development Company experienced a severe set-back in an early publication of the Department of Agriculture which, it is claimed, exaggerates the percentage of alkali in the soil; but notwith-

standing much adverse criticism the stream of colonists continued to pour into the valley. Because of certain disagreements among the original stockholders, the Chaffey brothers accepted $300,000 for their interests in the Company and retired. Nevertheless George Chaffey deserves chief credit "for the material beginnings of the reclamation of that desert." Wozencraft was the first dreamer, Rockwood the faithful projector, Chaffey the actual builder.

The towns of Calexico and Mexicali were named by L. M. Holt, a cripple popularly known as "Limpy." Says Mrs. Romer:

> He disjoined the names California and Mexico and reassembled the syllables and evolved therefrom the names Calexico and Mexicali. It was also he who gave the Imperial Valley its name, although the credit is usually given to Mr. Chaffey.

William F. Holt was the "prototype" of the banker in Harold Bell Wright's story, *The Winning of Barbara Worth*,—the story that has made Imperial Valley famous throughout the United States. Mr. Holt came to the valley in 1900, catching a vision of the fertile fields and populous centers where others saw only the parched and desert waste. By his business sagacity, remarkable resourcefulness, and exalted Christian principles, he became a builder of banks and railroads, a founder of cities, the executive head of numerous corporations, and withal a benefactor of the entire commonwealth. He was most intimately identified with practically all the major enterprises of the valley, striving always for its symmetrical development; and it was directly due to such qualities as he possessed in unusual degree,—courage, pertinacity, personal ability, and sheer stamina,—that the desert was almost miraculously transformed into the world's wonder garden.

With the coming of the railroad in 1902 many conveniences were introduced into the valley; and shortly afterward the "boom" began in good earnest. The leading class of people making their way into the new land of promise were men of true pioneer spirit,—resourceful, courageous, and determined. Here and there was a man of wealth, on the look-out for large tracts of land for speculative purposes; while there also trickled into the valley—as is always the case in a new migration—groups of adventurers, *sans* money, *sans* character, alert to prey upon the savings of others, eager to reap where they had not sown. There were few opportunities for adventurers, however, and men of this class quickly disappeared. Indeed, it was only men of real stamina who remained,—to survive the early tests of fire and flood and the rigors of climate required a high degree of physical endurance and aggressive self-reliance. It was among this sturdy group of American citizens that there developed the "Spirit of the Valley," intangible yet widely pervasive, symbolizing ability to conquer difficulties by a faith and optimism never divorced from self-help and common sense. By engendering confidence in others as well as in self and invoking the blessings of cooperation, the "Spirit of

the Valley" became a dominant factor in the marvelous development of Imperial.

In 1903 the United States Government denied the valley the use of water from the Colorado, a decision that was later confirmed after a special visit by House members and reclamation officials. Therefore A. H. Heber entered into contract with President Diaz of Mexico in accordance with which the California Development Company might take water through Mexican territory.

The new intake was cut in October, 1904, the water of the river being then low and not expected to rise before early summer. The Mexican government was characteristically slow in ratifying plans: therefore the engineers were not prepared for the unseasonable flood of February, 1905. The subsiding waters left the intake so filled with silt as to require re-dredging. A second flood was followed by a like condition. A third flood came in March,—then the engineers decided that in view of the extraordinary season the gap must forthwith be closed.

The dam, composed of piles, brush and bags of sand, which was quickly thrown across the gap was speedily swept away by flood waters. A second attempt met like failure,—only far more disastrous, since the gap was widened from 60 feet to 160 feet. With the new situation the engineers were powerless to cope; they must have ready money. Against the advice of his councilors, E. H. Harriman, President of the Southern Pacific Railroad, granted a loan of $200,000 to meet the urgent need, and Epes Randolph was made president of the Development Company.

There is no precedent for the memorable battle to close the terrible gap, get the raging Colorado back into its banks, and save Imperial Valley. Rockwood, suffering keen disappointment because he had not been able to command necessary funds, yielded to Randolph, who put H. T. Cory in absolute control. Cory was assisted by T. J. Hind and C. K. Clarke. Meantime the gap had widened to half a mile, through which the entire Colorado poured itself, spreading out to a width of eight miles, a great muddy sheet of rushing water which quickly divided into separate streams, all galloping toward Salton Sea. Six billion cubic feet of water tearing through the crevasse every twenty-four hours,—there surely was a labor for Hercules! And it must be consummated or Imperial Valley was hopelessly ruined. The "cutting back" caused by the flood waters made the upper strata of the soft silt collapse "like powdered sugar," working up stream at the rate of from 500 yards to three-quarters of a mile per day, gouging out a hideous gorge and rendering the course impossible of cultivation. It has been estimated that the volume of soil thus removed was nearly four times that excavated in digging the Panamá Canal. The ghastly scars inflicted on the face of the valley along the riotous course of the New River will remain for generations mute symbols of the terrible havoc of the flood of 1905-06. An

area of six thousand acres of land was covered with flood waters, while more than twice as much had been ruined by erosion.

The story of how the mad-cap Colorado was finally halted and turned back into its old course has become the classic of Imperial. It must be quickly told.

The problem was not that of an ordinary flood but that "of a roaring river that had changed its course and was rushing madly into an ancient basin below sea level." There was little agreement among the engineers, except on the proposition that immediate action was imperative. Representatives of the Southern Pacific were in control: they decided upon the construction of a rock dam, and for this purpose quickly constructed a temporary railroad to the edge of the break. Several hundred "battleships",—mammoth dump cars that had been used in the Lucin cut-off across Great Salt Lake,—were requisitioned, other equipment was rapidly assembled, and a workmen's camp established. It was early August, 1906, when everything was in readiness for work to begin.

Two thousand cords of brush and quantities of baling wire and steel cable were used in weaving a brush mattress, which was laid on the bottom of the gap for the purpose of serving as a matrix or foundation for the rock filling. Then a trestle was constructed entirely across the roaring crevasse. By the middle of September trains of "battleships" were at work dumping their loads of rocks upon the bed of brush mattress. A few weeks later, however, the Rockwood Dam gave way; thus the labor of four months and costs amounting to over $120,000 were wasted and gone, and the patient work of the Southern Pacific seemed of no avail. There was need of more work and more patience. However, the efforts of a thousand men and seven hundred horses and mules were so effective that on November 4 the lower intake was declared completely closed, amid great rejoicing throughout the valley.

Yet once again came devastation and disaster. As a result of a sudden flood of the Gila, a reconstructed dam farther to the south gave way under the pressure, causing a break that was at first small but that continued to widen with lightning speed until the whole Colorado was again pouring itself into the valley. Because it had already expended more than $1,500,000 to save the valley, and in view of the vital interests there of the United States Government, the Southern Pacific Company called upon President Roosevelt for aid, offering the government its elaborate equipment and the cooperation of the California Development Company. Congress having adjourned for the holidays, the President could not proceed, but he promised to put forth efforts looking to permanent action by the government; meanwhile Harriman decided to go forward at once to meet the emergency and trust that the Southern Pacific Company would be re-imbursed when government action could be secured.

Seldom even in the history of California may we encounter a more dramatic and spectacular incident than the final closing of that 1,100 foot

gap through which the whole of the Colorado was pouring. Excerpts from the graphic description by Harold Bell Wright in *The Winning of Barbara Worth* will assist in visualizing the heroic struggle to conquer the mighty river:

> By day under the white, semi-tropical sun, by night in the light of locomotive headlights that gleamed strangely over the dark swirling floods, the trestles were forced further and further out into the plunging current that wrenched and twisted and tugged with terrific strength in a mad wrestle with those who dared attempt to check its sullen destructive will, while steadily, irresistibly, the canyon-cutting falls drew nearer and nearer. . . . In his fight with the river the engineer raced against a destructive force which, if it reached the scene of the struggle before the battle was won, would make final defeat certain and place the Colorado, so far as The King's Basin reclamation was concerned, beyond control of men.
>
> As the engineer stood on the trestle above the mad, whirling currents, directing his men in their efforts to drive the piling in thirty feet of water that—as one veteran expressed it—"ran like the mill tails of hell," he fancied he could hear above the roar of the river against the structure, the blows of the heavy driver, the rattle of cable and chain and windlass, the grinding and squeaking and the straining of timbers and the shouts of the men—the menacing thunder of that moving cataract a few miles away.
>
> At last the trestles were pushed across the break, the track was laid and the gigantic work of filling the channel was begun. In every rock quarry reached by the S. and C. within two hundred and fifty miles of the battle, men were drilling and blasting and with steam shovels and derricks were loading cars with material for the fill. . . . These rock trains steamed swiftly to the front, everything giving them the right of way. Merchants and manufacturers east and west cursed the railroad because their shipments were delayed. Passengers, held for hours on the sidings, complained, scolded, protested and threatened. It was an outrage! declared the tourists in their luxurious Pullmans that they should be forced to give up an hour of their pleasure in order that a train load of rock might make better time. But, unheeding, the great battleships, each with its fifty cubic yards of stone, and the flats and gondolas, each with its tons of material, thundered away to the scene of the struggle. Every five minutes, night and day, from the moment of the completion of the trestles until the fill was above the danger point a car of rock was dumped into the break.
>
> So the task was accomplished; the fight was won. The Rio Colorado was checked in its work of destruction and beaten back into its old channel.

It was February 10, 1907, when the great crevasse was finally conquered and the unruly river was forced back into its own channel. The Southern Pacific had spent a total of $3,100,000 and fifty-two days had passed since Roosevelt had asked for government aid. But the work was well done; and the manner in which it has stood the test of subsequent floods and thus blessed the great Imperial Valley is a high tribute to the engineers in charge,—Randolph, Cory, and their associates. It is a tribute to the dauntless people of the valley that during the darkest days, when the future seemed to hold so little of promise, they retained their con-

fidence, worked on with a will, and thus vindicated the "Spirit of the Valley."

Proceeding under the Act of March 15, 1907, the people moved for the creation of a new county, to be separated from San Diego at 116° 10′ west longitude, and the town of El Centro, located at approximately the center of the area, was fittingly made the county seat. The first meeting of the Board of Supervisors was held August 26, 1907, and the other machinery of the new county was duly put in motion.

With the completion of the San Diego and Arizona Railroad, bisecting the Valley from west to east, a dream of many years was realized and Imperial entered upon a new and important phase of its development. Incorporated on December 15, 1906, its builder was John D. Spreckels, long president of the Company, who with A. B. Spreckels owned one-half of the Road, the other half being the property of the Southern Pacific Company. This railway continued under construction during the entire period of the World War,—a statement that cannot be made of any other important railroad. It is one hundred forty-eight miles long, forty-four miles being in Mexican territory. Its highest elevation (3,657 feet) is reached at Hipass, and its lowest point is near Seeley (about fifty feet below sea level).

The new railroad puts Imperial Valley on a main transcontinental line and brings tide water within one hundred forty miles, thus providing an additional means for vast quantities of produce to reach the world's markets. With the state highway it brings the valley into close touch with San Diego, with whose destiny it is closely linked.

In the meantime agricultural development was proceeding at a phenomenal rate. The history of agriculture in Imperial—the valley's one great industry—is unique in that it covers from the beginning till the present a total period of less than a quarter of a century. Because of the complete lack of water both for irrigation and domestic purposes, there was no possibility of agriculture prior to the summer of 1901. By April, 1903, 25,000 acres of land were under cultivation, the greater part being in the vicinity of Calexico, El Centro, and Imperial. The irrigation canals being rapidly extended northward, extensive acreages were planted to crops in the Brawley area. By 1909 more than a thousand miles of main and lateral canals had been constructed; and in 1913 the canal system covered more than half a million acres in the United States and Mexico.

By autumn of 1904 the valley's population reached 9,000, and some 150,000 acres of land were under cultivation. In 1920 more than 415,000 acres were under irrigation. Because of peculiarly favorable climatic conditions, two different crops are frequently harvested in succession from the same ground during the year,—as in the case of lettuce and canteloupes.

In 1909 more than 900,000 bushels of barley were produced from about 37,000 acres, and 72,000 tons of alfalfa were cut, besides a large and rapidly growing variety of other agricultural and horticultural crops.

Dairying has become one of the most important and dependable of all the industries. Its remarkable development in Imperial Valley is largely due to the fact that alfalfa continues to grow through the winter months, thus insuring an abundance of green pasture. Dairy cattle increased from 9,650 head in 1910 to upwards of 45,000 in 1923. The Valley has likewise become an important feeding ground for beef cattle, large herds being continuously attracted from New Mexico, Arizona, Nevada, and elsewhere.

Imperial Valley has aptly been styled "the winter garden of the world." The humble beginnings of the lettuce industry date back only to 1916; but in 1924 the lettuce shipments reached the amazing total of 9,489 carloads, or more than one-half of all shipped from the entire State of California. The explanation is found, first, in the climatic conditions, enabling the plant to mature when other vegetable growing sections are dormant, and secondly, in the superb quality—for Imperial head lettuce has won the reputation of being the best in the entire country.

Imperial is equally famous for its canteloupes, to the production of which land totaling 30,617 acres was devoted in 1924—more than twenty-five times the acreage for 1910. In 1924 the industry showed shipments out of the Valley amounting to the huge total of 16,003 carloads. The shipping season extended from May 19 to June 30. On a single day (June 26) 581 cars were loaded and iced.

Imperial has likewise leaped into prominence as a cotton producing area. The area devoted to this product has increased from 6,538 acres in 1910 to 58,000 acres in 1924; while on the Mexican side the area in 1924 amounted to 170,000 acres. The total production was approximately 120,000 bales, or more than one-half bale per acre.

Other vegetable crops—for Imperial is a land of varied production—include tomatoes, shipments of which begin about the first of May; watermelons, strawberries, peas, spinach and numerous others.

Imperial has become the valley of high specialization. It is not the place for the wastrel nor the jack at all trades; but the promise of success is to the man of sound body and trained mind who, through the practical application of scientific agriculture is capable of obtaining from the productive forces of a bounteous nature the maximum results of his toil.

Enough has been said to indicate one of the most remarkable transformations in the transforming history of the West. Leaping into "foremost position among America's reclaimed lands," the Colorado Desert of ages past has in half a human generation become the Imperial Valley of today. Here is to be found the largest irrigation district project, privately or publicly operated, in the United States. The waste places have become marvelously productive; electricity turns the wheels of industry; modern transportation opens the markets of the world; schools and churches contribute to the culture of an enlightened population. The "Spirit of the Valley" has created Imperial.

CHAPTER XLI

THE RENAISSANCE OF SAN FRANCISCO

San Francisco is the wonder city by the Golden Gate, commanding one of the best natural harbors in the world, and occupying a strategic position with reference to the entire Pacific Coast of the United States. The Golden Gate, soon to be arched by a marvelous bridge, is located in 37° 48′ north latitude and 122° 30′ west longitude.

This wonderful opening into the magnificent Bay of Saint Francis, being about five miles long and from one and a half to two miles wide, was called "Crysopalae," or Golden Gate. This name first appears in Frémont's *Geographical Memoir of California,* published in the spring of 1848, and was descriptive not of the gold days but of the rich and fertile country and the wealth that was expected from development of commerce. It was probably suggested by the Golden Horn of Constantinople. No other great city in the country sprang into full-orbed municipal life with such suddenness as did San Francisco. None has more striking individuality nor greater versatility than this wonder city.

It is a great pity that the precipitous speed of the city's early growth and the tardy development of city planning conspired to bring about the sad defacement of what should have been the foundations of one of the world's most stately and imposing cities. Josiah Royce refers to the ruin of the hill contours in words of fitting rebuke:

> These hills have been outraged and insulted with manifold cruelties; never-finished grading undertakings have uselessly torn them in some places; in others one has given them over to dirty and degraded little houses; and where the houses are either truly excellent, or only pretentiously grand, the perfectly straight streets disfigure, as with long cruel strips, the sturdy forms of the noble hills.

On the north stands towering Telegraph Hill, and to the south is Rincon Hill. Over these familiar cable street railroads carried their myriads of passengers, decade after decade, to the "western addition" beyond the steep hills. At one point, on Nob Hill, were clustered the mansions of men who had made their millions—"palaces," that on more than one occasion aroused the bitter resentment of representatives of the Workingmen's Movement. By 1890 there were probably more millionaires in San Francisco than in any other city of equal population in the world.

The city of San Francisco was incorporated April 15, 1850, and re-incorporated a year later. In 1856 the County of San Francisco was reduced to approximately its present area, and its government was then consolidated into the "City and County of San Francisco."

The year 1855 in San Francisco was a year of financial disasters, foreshadowed by the business failures of 1854, which showed a total of 77 insolvencies. The market was completely glutted with heavy importations; consequently the prices of staple commodities fell day by day. Moreover the city was overbuilt, which resulted in empty stores and lowered rents. A symptom of the crash was seen in the run on Adams and Company in January, 1854; though this was soon followed by re-deposit by the old customers. When on February 17 news came of the failure of the St. Louis house of Page, Bacon & Company, there was a violent run on the San Francisco branch. Efforts to secure help were unavailing: the run, which drew away about $600,000 during the first day, continued until February 22, when Page, Bacon & Company broadcasted a brief notice to the effect that it had been found necessary for a short time to close their doors.

The other banks, though severely tested, remained open during that day. That night, however, was one of intense anxiety. Adams & Company failed to open the next morning, and there was strong probability of a run on all the banks in the city. Theodore Hittell thus describes the situation:

> . . . the excitement in the public mind suddenly rose to fever heat and in some instances to paroxysmal height; nearly everybody, who had money in the banks, rushed to draw it out; the streets were full of rumors of more failures; people were wild with fear and uncertainty; and the day, February 23, 1855, was for years afterwards remembered and referred to as the day of the great crash, the Black Friday of San Francisco.

In 1858 the Fraser River mining excitement broke up, and within a period of four months more than 15,000 hardy men left San Francisco, while other thousands actively prepared to follow. The deluded gold hunters began returning in early autumn, however, the tide meanwhile setting in toward prosperity, which a little later was greatly accelerated by the impulse from the Civil War. The Merchants' Exchange and the Bank of California Building were completed in 1867, when California Street became the recognized money center, lots being appraised at $3,000 a front foot.

The completion of the Central Pacific Railroad in 1869, opening up quick transportation to the eastern states and the vast Mississippi basin, was a significant triumph for the western metropolis as well as for the entire State. To be sure there was some temporary loss of trade because of diminution of orders from the interior of California and Nevada; but with rapid readjustment to new conditions came increase of trade and renewed prosperity.

Market Street, which extends from the water front into the interior of the peninsula in a southwesterly direction, is easily the dominant thoroughfare of the business section of the city. It is one hundred and twenty feet wide, but not a whit too wide. To the north of Market Street the streets cut the city into rectangular blocks, running to the points of the

THE CITY BY THE GOLDEN GATE

(From Pictorial History of California.)

compass, thus forming acute and obtuse angles at intersection points. On the south side of Market Street, however, the streeets run parallel and at right angles to Market Street, thus cutting the city into two distinct portions, which long since became known as "South of Market Street" and "North of Market Street." The former division contains numerous manufacturing establishments and homes of the laboring classes, while for the most part the shopping district and the better residences are north of Market Street. The rather sharp line of cleavage has persisted through the years. Only second in significance to Market Street is beautiful Van Ness Avenue, one hundred and twenty-five feet wide, which runs north and south virtually through the geographical center of the city.

San Francisco became famous almost from the beginning for its restaurant life, a statement easily explained by the presence of a population of men and the absence of homes and family life. The firmly established custom of eating at restaurants was not abandoned as the early conditions were transformed. Says the author of *Light and Shades in San Francisco,* published in 1876:

> There are chop-houses, coffee-houses, oyster 'grottoes', lunch-rooms and restaurants in bewildering abundance in every street, lane or alley where are located a respectable number of business houses. Throughout the resident part of the city they are met at frequent intervals.

Everybody took at least an occasional meal at a restaurant; business and professional men took the noon-day lunch at the "Maison Dorée," the "Poodle Dog," or other fashionable eating places; while in the evening "high-toned young gentlemen" patronized the best their means could afford, and the city's best and most affluent frequently entertained distinguished visitors or social friends at the Delmonico of San Francisco. "Upper-tendom" called not infrequently for the midnight banquet. The pastry was pronounced the most delicate, the wines the finest flavored. Even the invasion of a multitude of democratic cafeterias during recent years, while making serious inroads upon the patronage of San Francisco's restaurants, has not been able to rob the city of its distinctive reputation for fashionable eating places and epicurean tastes.

Prominent among pleasure resorts about San Francisco is the Cliff House, first built in 1863, nestling in the jutting rock, but a few hundred yards from the picturesque Seal Rocks, protruding abruptly from the waves of the Pacific. The charm of this famous seaside resort has been felt by myriads of city dwellers and visitors from afar, and, rebuilt and expanded after devastating fire, the Cliff House invites today a younger generation to observe the scores of sea lions of another generation hobbling clumsily over the jagged rocks, sprawling in the sun, then to "plunge into the foaming waters, make graceful detours through the circling eddies, ride upon the rolling billows, and return again to join their comrades on the rocks." Of all the grand and beautiful scenes of which San Franciscans may justly boast, none elicits more universal

admiration than the vista afforded by the romantic Cliff House. Today the entire stretch of Ocean Beach and the Esplanade lie within the municipal limits, but a half-hour's ride from the city's center.

As a place of refined amusement for the leisurely of every class Woodward's Gardens won national renown. Preceded by Hyde's Park, the Willows and Russ' Gardens, this attraction was for years without a rival on the Pacific Coast. In the museum was an unusual collection of natural history materials, dating from 1866, including rare specimens from many lands; the great octagon-shaped pavilion was utilized as play-house, dance-hall, and skating-rink; a great variety of animals affording keen delight to the throngs of children could be found in the zoological department; while one of the most attractive features of all was the aquarium, where the glass cases clearly revealed the movements of the numerous finny species. For providing so interesting and instructive an attraction for the enjoyment of the common people, Mr. Woodward deserves to be remembered as a benefactor to San Francisco.

As an example of downright civic beauty accomplished by a happy combination of art with nature, Golden Gate Park stands unsurpassed in the great cities of America. In 1872 (when reclamation of the area was beginning), this was only a name, for the "Park" was in reality "a desolate expanse of sand hills." Four years later B. F. Lloyd wrote these prophetic words:

> The grounds that its limits comprised were those same wild sand hills that the mission Fathers contemplated with horror; that the fogs of centuries have rolled over. The remaining two and a half decades of the century will clothe these hills with classic beauty and Golden Gate Park will know no rival as to extent and scenery.

This wonderful park of 1,014 acres is the particular pride of San Francisco; it attracts multitudes of visitors. With its memorial Museum, great music stand, and stadium, its broad circling driveways, its playgrounds, lakes, paddocks, and luxuriance of shrubbery and flowers, it has become one of the premier beauty spots of the continent.

During the first years of San Francisco's career as an American city it was doubtless inevitable that such occupations as polite literature, scientific research, and the fine arts should have attracted a very slight percentage of the citizens, whose chief enterprise was money making. But it was not long till these cultural callings—never wholly neglected—began to show distinct gains in the race with commercial pursuits. One worthy expression of this refinement took the form of libraries. As early as January, 1853, the Mercantile Library was organized. In 1868 the spacious Library Building was erected, on the north side of Bush Street, between Montgomery and Sansome. By 1876 it contained between 40,000 and 50,000 volumes, including collections of French, Spanish, German and Italian literature, while the organization had attained a membership of more than 20,000 persons. This library unquestionably wielded an increasingly important influence upon the entire city until the time of its destruction by the great fire of 1906.

The Mechanics' Institute, which was organized in 1855, established a library and reading room as well as a great collection of mineral specimens, scientific apparatus, and works of art. The Industrial Exhibitions held by the Mechanics' Institute won for it great popularity—as many as 30,000 persons visiting the Pavilion in a single day, as early as 1875.

Numerous literary, art, and historical societies, as well as fraternal organizations maintained their own libraries. The Society of California Pioneers collected relics and documents of great significance to early history, while the Odd Fellows maintained what was for a time probably the choicest cabinet of mineral specimens and fossils in the State.

By 1876 the Chinese had come to constitute a formidable element in the city's population. Since the overwhelming majority of them were able-bodied males, they would, on the theoretical basis of allowing one woman and three children for every man, offset more than one-half the entire population of San Francisco. Inasmuch as most of the Chinese were laborers, it was not surprising that the continued influx from the Orient seemed startling and alarming to the whites who were affected directly or indirectly by their competition. The presence of the Chinese in San Francisco and in California, together with the special problems arising therefrom, has been discussed in an earlier chapter. It remains here only to make allusion to one or two particular phases in connection with the rapidly growing cosmopolitan city by the Golden Gate.

From the standpoint of the tourist or newcomer the Chinese quarter early became one of the most unique and fascinating attractions of San Francisco. Chinatown proper consisted of two blocks each along Sacramento, Clay, Washington, Jackson, and Pacific streets, comprising in all about nine blocks. This area, monopolized by the Chinese, was like the heart of an Oriental city set down in the farthermost Occident. The contrast between civilizations was startling and complete.

Any building adjacent to the Chinese quarter was rendered undesirable to the whites, and their manner of living automatically gave permanency to their own tenantry. A careful observer in 1876 gives us an inside glimpse:

> A family of five or six persons will occupy a single room, eight by ten feet in dimensions, wherein all will live, cook, eat, sleep, and perhaps carry on a small manufacturing business—apparently comfortable and show no signs of being cramped by the narrow limits that confine them. In the lodging houses (which are necessarily very numerous), they huddle together and overlay each other, like a herd of swine that seeks shelter in a strawpile on a cold winter night. The rooms of a lodging house are usually about ten by twelve feet in size, with a ceiling from ten to fifteen feet high. On two sides of the room (and sometimes on every side) bunks are placed one above another like those arranged in staterooms of steamboats. In a room where the ceiling is of ordinary height there will be three or four of these bunks on a single side. These are all occupied as beds for sleeping, from floor to ceiling. A small rental rate for each occupant, yields a considerable sum for the room; it is, therefore, easily comprehended, how a Chinaman can afford to work for less wages than a white man.

An outside view is afforded by the same writer:

> In Chinatown there is not a basement, cellar, area, dormitory, porch, loft, garret, or covered court, but teems with healthy Chinese inhabitants, night and day. The side-walks are monopolized by them, with their little tables of fruits, nuts, and cigars; the cobbler, tinner, chair-mender, and jack-of-all-trades, claim, by squatter right, a seat upon a box or door-sill, where to ply their trades; the alleys, lanes, and by-ways give forth dense clouds of smoke from the open fires, where cooking is performed, and the house-tops are white with drying garments, fluttering from the net-work of clothes-lines that are placed thereon by enterprising laundrymen. Even across narrow streets lines are thrown, upon which are placed to dry all manner of wearing apparel.

Tourists came to California in increasing numbers, and tourists are always eager to behold some new thing. Enterprising San Franciscans

SCENE IN CHINATOWN, SAN FRANCISCO

were not slow to broadcast to the world its special attractions: accordingly along with the Cliff House and Seal Rocks, Woodward's Gardens, Golden Gate Park, and similar attractions, Chinatown was given prominent mention. For a good round fee a professional guide could conduct the visitor into the presence of a real thrill. The dark and devious ways, the secret underground passages with the cunning trap doors, the high-tension theatrical performances, accompanied by shrill, wierd noises called music, the Chinese restaurant with elaborate but untranslatable bill of fare, and—above all—the loathsome opium joint in the midst of indescribable scenes and equally indescribable smells—such a tour was to many a curious, politely-clad tourist a sort of bold, sublimated adventure—it was like a half-permission to eat of forbidden fruit. What did it matter if human decoys were employed, or police connivance whispered,

or the morals of certain Orientals further debased by espionage and vile practices?—the attractions of the city must be capitalized, and the quest of the curious satisfied!

San Francisco Chinatown, as it was in the days of yore, was obliterated—with many another unique institution—by the conflagration of 1906. In the meantime the Chinese population had dwindled as a result of governmental restriction. The greater regard to sanitation, durability, and all requirements of civilized living have brought a new Chinese quarter free from the offensive features of the old. The Old Chinatown, as it was during the seventies and the eighties of the last century, has passed completely into history; but it presented a picture that will never be forgotten.

After the State adopted the Constitution of 1879, San Francisco made four unsuccessful attempts to secure a new charter. The first of these proposed charters was rejected in 1880, largely as a result of neglect of civic duty. In 1883 a second effort was defeated by a narrow margin of thirty-two votes. The third and fourth attempts were made in 1887 and 1896 respectively, with similar results. Finally, in 1898, under the aggressive leadership of Mayor James D. Phelan, the city voted itself a new charter, but even then the vote was light and enthusiasm for the most part lacking. Thus San Francisco entered the twentieth century with a charter which included provisions for "a responsible government, civil-service reform, and home rule," and declared for municipal ownership of light, water, and transportation. It was fortunate, however, that the privilege of running into debt was but slightly exercised in view of the colossal needs following the disaster of 1906. Mr. Phelan has been called the ablest and most energetic mayor in the annals of San Francisco.

Great prosperity characterized the first half of the first decade of the new century in San Francisco. But beneath the outward prosperity, the foes of civic decency and political integrity were industriously at work. As a result of serious labor difficulties during the last two years of Phelan's administration, the municipal campaign of 1901 resulted in the first election of Eugene E. Schmitz as mayor, thus inaugurating the Ruef-Schmitz régime, which held San Francisco in its grip until that grip was loosened by the famous graft prosecutions in 1906-08. Abraham Ruef became known far and near as the political boss of the city, as cunning Chris Buckley, the "Blind Boss," had been similarly accredited during several earlier administrations. Schmitz was able to maintain his unearned position by virtue of unfortunate divisions and dissensions among those who should have stood together for decent government; and thus, loudly proclaimed as the standard bearer of the Labor Union Party, he was elected mayor the third time, in November, 1905, together with a Board of Supervisors whom Ruef is said to have picturesquely described as a band capable of "eating the paint off a house," so hungry were they for spoils! The regular procedure for any citizen or

group of citizens contemplating an enterprise that required the intervention of the public was to go to Ruef and seek "satisfactory arrangements." Says John P. Young, in his *Journalism in California:*

> Everything and everybody who wanted anything done paid toll and the competition to secure the favor of the attorney of the mayor, whose word was law for the paint eaters, was most keen.

To all outward appearances the community was satisfied with the Schmitz-Ruef régime, or at least content to advance its enterprises and do its work along the line of least resistance. Such was the combination in charge of the municipal administration, such the condition of affairs on the eve of the fateful morning of April 18, 1906, which brought to San Francisco one of the great disasters of recorded history.

The election of 1905 revealed the apparently anomalous situation of a loss of strength by Schmitz with the Labor-union Party and a heavy gain in the ranks of capitalism. Citizens shrugged their shoulders, said Gertrude Atherton, guessing "that the stories of the Ruef-Schmitz machine, holding up corporations and rich men for large sums before granting franchises, were true." So skillfully did Ruef manage the elections and the administration of the city that the thoughtful citizen wondered when and how "the chains thus fastened upon the municipality would be broken." "The city had sold herself," says Bancroft, "and the buyers were now selling the city."

In January, 1906, William A. Langdon, Superintendent of the city schools, took office as District Attorney, having been elected on the labor union ticket. Langdon proved to be courageous and honest, and hence, surprising as it must have seemed, not to be controlled by Ruef. The rapidly shifting scenes were at length swiftly bringing to an end the "six disgraceful years" of municipal corruption in San Francisco. Certain powerful public service corporations, like privileged gambling houses, saloons, and brothels, had fallen into the way of paying tribute to the vicious political machine. Such practice had come to be expected as a matter of course.

Perceiving the incorruptible character of Langdon, Ruef sought to bring about his removal and to have himself appointed district attorney in his stead. He failed. He next lost control of the Grand Jury, and finally, along with Schmitz and the supervisors, he was compelled to face indictment and submit to court trial.

In the meantime Fremont Older had been thundering forth through the columns of the *Evening Bulletin* against the corrupt practices of the police board and administrative bodies. Ex-Mayor Phelan was stirred to take his stand against the degrading practices that were sapping the moral foundations of his fair city, and at length Rudolph Spreckels, a young man of spirit and independent wealth, had his eyes opened to the imminent perils by certain overtures from Ruef. This small group of high-minded men, encouraged by President Roosevelt, entered upon a

thorough-going campaign for the political and moral renovation of the city.

Francis J. Heney, flushed with victory won in the prosecution of the nationally important timber fraud cases in Oregon, was, at Roosevelt's suggestion, made special prosecutor in what almost immediately became known as the San Francisco graft cases. He was given the expert assistance of William J. Burns, one of the country's most brilliant detectives and later chief active detective of the United States Secret Service. Heney declined to accept a personal fee; nevertheless the expenses were necessarily heavy, and Spreckels agreed to finance the prosecution. The program toward civic reform was proceeding vigorously when the disaster of April 18, 1906, suddenly halted the movement. The great work of relief and rehabilitation for a time engaged all hands and all hearts.

As a consequence of the earthquake and fire, Ruef was compelled to accept the temporary domination of the Citizens' Finance Committee headed by Mr. Phelan; but under the pretense of adjusting the affairs of his clients, in reality he took advantage of disturbed conditions to exploit his fellows and prey even more ruthlessly upon the city whose administration he so completely mastered.

As deputy district attorney under Langdon, Heney was soon enabled, with the assistance of Burns, to trap one of the venal supervisors and force from him a confession. Under a promise of entire or partial immunity, all the supervisors were brought to confess corruption. Finally Ruef himself was trapped, and on his testimony Schmitz was convicted and sent to prison. While Heney was actively conducting the prosecution in November, 1908, a deranged man shot him in the head, but fortunately he escaped fatal injury. It is to this injury received by Heney that Hiram W. Johnson owes his introduction to public life, for to Johnson, then associated with Matt. J. Sullivan, came the opportunity to continue the work of prosecution begun by the redoubtable special prosecutor.

For more than two years the graft prosecution continued in the face of every legal technicality and artifice that could be invoked to occasion delay. Ruef was sent to San Quentin to serve a term in the State penitentiary. It was when the prosecution was pressed against Patrick Calhoun and Tirey L. Ford, chiefs of the United Railways, that many supporters of the reform movement fell away, and the cry was raised that business was being injured to the detriment of the city. The majority of San Francisco newspapers were now vigorously opposing the continuance of prosecution, their attacks being frequently of a personal character against Heney. In the end the high officials of the United Railway narrowly escaped conviction by a divided jury, whereupon the remaining indictments were dismissed, and other suspected persons were never brought to trial. On a technicality Schmitz was spared a term in the State penitentiary.

MODERN SAN FRANCISCO

Sixteen supervisors had admittedly received bribe money from T. H. Gallaghar, president of the board, who confessed he had accepted it from Ruef. Although the president of the United Railways could not be actually convicted, at least a great "moral fumigation" had been accomplished. The mayor's office had been declared vacant and Edward Robeson Taylor, a widely known citizen of excellent reputation, was made chief executive. San Francisco had once more shaken off her civic lethargy and the people of the entire commonwealth had been aroused.

Doctor Taylor, unlike many American mayors, did not built up a political machine; he was more adept at writing poetry than in discerning and curbing the machinations of unscrupulous political adversaries. He was succeeded in office by P. H. McCarthy, an aggressive labor leader. Although gaining wide notoriety, McCarthy failed to satisfy a large portion of his own party, and so was compelled to turn over the mayoralty to his successor James Rolph, Jr., a business man of considerable means, who was San Francisco's representative to the world during the Panamá Pacific International Exposition of 1915 and who, against all opposition, has maintained himself in his position of leadership as mayor to the present time.

What proved to be the most serious earthquake disaster in the history of the United States occurred in California about ten minutes after 5 o'clock on the morning of April 18, 1906. This is known as the San Francisco Earthquake: it owed its origin to a violent rupture of underlying rock such as those that are associated with mountain building processes. In scientific phrase it has been described as "a new slipping on the plane of an old fault."

Of earlier earthquakes that visited San Francisco, while none really approached that of 1906 in severity nor ensuing loss, perhaps those of 1865 and 1868 deserve brief mention. One Sunday, October 8, 1865, between twelve and one o'clock, there was "a rapid shake, powerful and convulsive, like the crash of a terrific concussion; increasing in intensity, as though it were but a warning of a more powerful disturbance yet to follow." The devastation was greatest in the low grounds and in those portions of the city which had been reclaimed from the bay. Many of the inhabitants were stricken with terror or paralyzed with awe; but apparently no lives were lost, nor indeed was any one seriously injured.

A few minutes before eight o'clock in the morning of October 21, 1868, occurred another earthquake, coming, as described by one writer, "in sudden fury like the spring of a tiger upon its intended victim." This quake was of longer duration and greater severity than that of 1865, creating intense excitement throughout San Francisco. Five or six persons were reported killed, while nearly half a hundred were injured. The property loss was estimated at about $400,000.

The fault line of the earthquake of 1906 trended northwest to southwest and was definitely traced from San Juan in the south to Point

PANORAMA OF SAN FRANCISCO

Arena at the north, a distance of approximately 180 miles. It was found that the horizontal offset ranged from two to sixteen feet, the maximum being near the head of Tomales Bay, while the vertical dislocations were of minor amounts. The fault trace was three miles from the Cliff House, nine miles from the City Hall of San Francisco, five miles from Stanford University, and thirteen miles from San José. Heavy losses were suffered not only in San Francisco but likewise in several other points, notably Santa Rosa, San José, and Stanford University.

In San Francisco the great violence of the earth movements resulted in the destruction of many hundreds of buildings as well as the rupture of water and gas mains, twisting of rails in various localities, and overthrowing heavy masonry. In the great fire following the earthquake a large portion of the city's entire population—a quarter of a million persons—were suddenly rendered homeless and dependent on the bounty of a generous public for shelter and the basic necessities of life. The civilized world stood aghast at the appalling destruction which the great fire visited upon the city of San Francisco. For three days and nights the conflagration raged, defying all attempts to stay its terrible progress until it reached that wide and beautiful thoroughfare, Van Ness Avenue.

The loss of life resulting from the disaster was placed at 452 persons, the comparatively small number being attributable to the early hour of the great shock. The property loss was stupendous, amounting to upwards of $200,000,000. One-third of the great city, including the entire business section, stood there a ghastly mass of ashes and twisted ruins. Thousands of citizens were financially ruined.

Throughout the United States and even in foreign lands there was instant expression of sympathy and spontaneous response in the form of contributions of food, clothing, home furnishings, and generous sums of money. A Committee of Safety, including leading citizens, was formed, relief was effectively organized under the Red Cross, headed by Edward T. Devine, and other auspices, and rigid military control was exercised by General Frederick Funston.

Appalling as was the disaster, thought by some at the time to signalize the final destruction of San Francisco, the intrepid leaders of the community were not long in reaching the decision to rebuild the city on a more magnificent and more enduring scale than ever before. At enormous expense, but with a courage that was truly admirable, San Francisco rose triumphant to the occasion, and, once again vindicating the lesson of the phoenix myth, "rising from the flames in front of the Golden Gate," has builded a new, a mightier, and a better city. As a fitting announcement to the world of the marvelous accomplishment she was host in 1915 to the Panamá Pacific International Exposition, the greatest event of its kind yet held on the Pacific Coast. During the short period of fifteen years the business district of the city was completely rebuilt at

FERRY BUILDING

an approximate expenditure of $350,000,000, and reborn San Francisco stands in perenniel strength and beauty.

Not only had she vindicated her reputation for sheer initiative and robust vigor, but she had also lived up to her well-established tradition of possessing a distinctive personality. Despite all her faults, and the misfortunes that have been hers, she retains the affection of many an ardent lover. For, in the words of Mary Austin,

> this city is one of those which have souls; it is a spirit sitting on a height taking to itself form and the offices of civilization. This is a thing that we know, because we have seen the land shake it as a terrier shakes a rat, until the form of the city was broken; it dissolved in smoke and flame. And then as a polyp of the sea draws out of the fluent water form and perpetuity for itself, we saw our city draw back its shapes of wood and stone, and statelier, more befitting a spirit that has endured so much. Nobody knows really what a city is except that it is something more than a collocation of houses.

San Franciscans have consistently claimed that nature decreed the Bay Region to be the manufacturing center of the West. There are ten miles of waterfront with deep water at all the piers and wharves, affording a berthing space for vessels nearly twice that of all other Pacific Coast posts combined. The magnificent bay itself covers 420 square miles, with shore line of 155 miles,—it boasts ample space for the combined navies of the world to anchor at one time.

The state-owned Ferry Building at the foot of Market Street is the busiest ferry station of the world, affording facilities for more than a million persons weekly. Upwards of 50,000 commuters enter San Francisco daily from nearby points—Oakland, Alameda, Sausalito, San Rafael, Burlingame, Redwood City, and others. Notwithstanding political disabilities and restrictions, and a few lingering echoes of a jealous pride of location away from the busy city, there has developed in reality a "Greater San Francisco," with population well beyond the million mark, which is becoming vividly conscious of giant strength for future achievement.

San Francisco's Civic Center, projected and realized since the disaster of 1906, is one of the most extensive examples of city planning actually accomplished in the United States. Dominating the splendid group is the lofty dome of the magnificent City Hall, while other worthy features are the Auditorium, the Public Library, and the State Building, grouped about a richly-adorned plaza. Fortunately for the people of the city the esthetic and the spiritual have not been forgotten in the pursuit of material gain, as is well attested by brilliant examples of architecture and statuary, by its Palace of Fine Arts, and by its stately churches. A rare combination of the forces and gifts of nature and of the wit and works of man—not without tragic circumstance and grave vicissitude—have conspired to make of San Francisco a city peculiarly "loved around the world and by its own people best of all."

Of the three largest cities of California Oakland, the youngest, is purely American in its genesis. The site, just across the bay from San Francisco, is a portion of what was a five-league grant made to Luis María Peralta, which during the Spanish and Mexican régimes was uninhabited and covered with graceful oak trees and chaparral.

Three squatters settled on the present site of Oakland in 1850, obtaining at length a lease from Peralta. They then proceeded to lay out a town and sell lots, giving quit-claim deeds. The town of Oakland was incorporated May 4, 1852, and about two years later it was re-incorporated as a city, Horace W. Carpentier, one of the founders, being elected the first mayor.

THE HEART OF OAKLAND AND LAKE MERRITT

In 1860 the population was about 1,500. The completion of the Central Pacific Railroad, with Oakland as its western terminus, gave a great impetus to its growth and development. By 1890 the population of the city was almost 50,000. When San Francisco was visited by the great disaster of 1906, a very large proportion of its residents made their temporary homes in the trans-bay city of Oakland, and not a few remained there permanently. To a steady growth in population has been added a marked development in diversified industry and great activity along its very extensive water front. Oakland at present is third among the cities of California, with a population of close to 300,000, characterized no less by its culture and civic spirit than by its commercial greatness. In the closest contact with the sister cities of Alameda, Berkeley, and Richmond, it constitutes a most significant part of the metropolitan region of Greater San Francisco.

CHAPTER XLII

GREATER LOS ANGELES AND THE SUNNY SOUTHLAND

At the first glance it may appear that Los Angeles is essentially a man-made city, that its wonderful achievements have been wrung from a niggardly nature and an unwilling fate. Not so: nature has provided there generous foundations for a great city. Man has indeed accomplished much;—but man did not make the Sierra Madre Mountains, the perennial source of no small part of the city's life; nor the blue skies, under whose broad canopy multitudes enjoy life's pleasures; nor the fruitful soil, which returns to the industrious a fortune for their labor; nor yet the shining sea, "which is our salvation".

The growth of Los Angeles and of southern California has been one of the marvels of the modern age. Based upon a superficial knowledge of fundamental conditions, the commonly accepted view long obtained that this semi-arid, sun-kissed district could never support a dense population; that while it might perhaps justify its existence as a health resort and as a producer of naval oranges, it could never become the home of a virile and aggressive people.

In reality, the fundamental conditions are so conducive to growth and development that no local or temporary misfortune can seriously interfere with the long march of progress. Among these conditions may now be mentioned agriculture, including horticulture and dairying, opportunities and facilities for manufacture, the presence of an intelligent labor force, an advantageously located harbor of well-nigh unlimited potentiality, direct access to unsurpassed fuel supplies and the sources of abundant hydro-electric power, and a climate particularly hospitable to all-year-round activities. When to these significant factors are added a buoyant spirit that refuses to speak in terms of defeat and an unquenchable faith in the future, the *raison d'être* for the growth of the sunny southland is no longer shrouded in mystery. The words of Edmund Burke, spoken of the American colonies in 1775, apply with peculiar aptness to the Los Angeles of a century and a quarter later,—if indeed they are not too modest:

> Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it.

At the beginning of the nineteenth century the drowsy little Spanish pueblo of Los Angeles contained 315 souls. In 1835 it was given the title

of a Mexican city. On April 4, 1850, it was duly incorporated by the first Legislature of the new American State. The first era of the history of Los Angeles embraces "the long slumb'rous years of the old missions and ranches" preceding the American conquest;—as such, it cannot be recounted here. The second period may be said to include the two decades following acquisition by the Americans, or until about 1866. This era was characterized by the incoming of men of a new race, not great in numbers but of marked individuality. Of this period one observer wrote:

> The sun-tanned trappers, keen of eye and strong of limb, began to straggle in, coming from the mystery of the unexplored heart of the continent, as denizens of another world who by some mischance had dropped upon this planet. . . . Other men came too—sharp witted men who saw gold in the broad acres of the great ranchos, even as their contemporaries saw it in the sands of the rivers of Alta California.

LOS ANGELES, 1857

(From Pictorial History of California.)

The towns of southern California were slowly stirred to a new spirit; they began to cast off their ancient lethargy: but still the masses of the people remained unchanged and the quiet of the life on the vast ranchos was scarcely disturbed. The population of Los Angeles, less than 2,000 when the State was admitted in 1850, numbered but 5,614 as late as 1870. In *Reminiscences of Winfield Scott Hancock,* written by his wife, we are informed that the little town did not have much of interest to present in the later fifties.

> Its main street was lined on both sides with adobe houses of true Spanish type, and not very many of them; but the surrounding country, with its beautiful hills and valleys, its snow-capped mountains and variegated fields, was unsurpassably charming. The American colony at that time was small, not numbering a baker's dozen; yet they knew how to live

> and make the most of the life, that had much to offer for those who sought it.

The cattle industry took on a new aspect when the hordes of immigrant miners demanded beef for food;—previously cattle had been valuable only for hides. As a result of the severe drought of 1864 uncounted thousands of cattle died or were driven over steeps into the sea. It is recorded that in April of that year 50,000 cattle were sold in Santa Barbara for thirty-seven and a half cents a head. Many a ranchero was financially ruined.

The seasons of California have usually been described as "wet" and "dry." An interesting description of the seasons of southern California is given by Helen Hunt Jackson, who writes, somewhat naively; "The wet season is the season in which it can rain, but may not; and the dry season is the season in which it cannot rain, but occasionally does." Obviously the value of almost all of the land is conditioned absolutely upon the water it controls. Moisture is the *sine qua non* of progress and prosperity in sunny southern California.

The comparatively slight amount of rainfall, always a source of solicitude, was in dry years a grave handicap, the drought of the early sixties being especially severe. Occasional earthquakes, though usually of slight intensity, were also unwelcome visitors. One of the most severe of these was the earthquake of January 9, 1857, which was felt over a wide area.

The early development of the southern portion of California was seriously retarded by the lack of good transportation facilities. The customs house was situated at San Francisco: hence all imports to Los Angeles had to be trans-shipped to San Pedro,—a hardship against which southern merchants protested in a memorial to Congress as early as 1850. It was complained that the

> freight rate from San Francisco to San Pedro for the last two years has never been less than twice the amount charged for conveying the same articles from New York to San Francisco.

Mail was often from seven to eight months in reaching Los Angeles from New York,—an absurd situation which might be explained by the fact that it was sometimes brought to San Francisco then sent back to Panamá, "to await a steamer to San Diego or Los Angeles." Two competing stage lines operated between San Pedro and Los Angeles, the usual fare being $5 for the run of two and a half hours.

It has been observed that practically every important step forward in the development of California was achieved at least in part by virtue of improved transportation facilities,—a remark that applies with peculiar force to Los Angeles and the south. By 1872 the Central Pacific Railroad had been extended well down into the heart of the San Joaquin Valley. Thus Los Angeles was afforded an effective object lesson of the transformation being wrought. What was the sleepy little "pueblo" going to do about it?

If the Angelenos desired to obtain railroad connection with San Francisco and the East, they would be required to vote a five percent bond issue on the assessed valuation of all county lands and improvements;—otherwise they would run the risk of having the road pass by on the other side. Despite the fact that many intelligent men complained that so enormous an obligation would imperil the entire future of the county, the bonds were voted in November, 1872,—for the alternative was too terrible to contemplate. If evidence of the wisdom of the decision were needed, it might be stated that before two decades had passed the assessment of the county had risen from $12,000,000 to almost $100,000,000.

The laborious task of constructing the railroad over Tehachapi Pass and through the mountains into San Fernando Valley was finally completed, not by the Central Pacific but by the Southern Pacific, a subsidiary under the same general control. On September 6, 1876—the Los Angeles and San Pedro road having in the meantime been acquired by the Southern Pacific—the golden spike was driven at Soledad in the presence of three hundred and fifty citizens of Los Angeles and fifty of San Francisco, thus "to celebrate the union of the two cities." Since that auspicious event the marked development of transportation in southern California has made Los Angeles one of the chief railroad centers of the entire Pacific Coast.

For many years the Los Angeles government was in a decidedly backward state, elections proceeded in a very irregular manner, the formality of registration being considered quite unnecessary. It is related that in a certain election a whole tribe of Indians voted.

Charles D. Willard avers that during the period from 1850 to 1870 Los Angeles "was undoubtedly the toughest town of the entire nation." Swarms of bad characters infested the city, which—in proportion to its population—had the greatest number of fights, murders, lynchings, and robberies." Even exclusive of the great Chinese massacre, the population is charged with thirty-five lynchings during this period. It seems to have been "Los Angeles at its worst." The state of lawlessness is illustrated by incidents reported in the papers, like this, found in the *Southern California* of March 7, 1855:

> Last Sunday night was a brisk night for killing. Four men were shot and killed and several wounded in shooting affrays.

One of the darkest episodes in the entire history of Los Angeles was the Chinese massacre of October 24, 1871. The outrage was an exhibition of mob rule, growing out of a local battle between two rival Chinese societies, or "tongs," shooting at each other across "Nigger Alley." When a policeman who was attempting to make an arrest was resisted, he summoned Robert Thompson, a well-known citizen, to his assistance. Certain Chinese who had concealed themselves in a near-by building shot through the door, and from one of their bullets Thompson received a wound that proved fatal within an hour. That night the building was

surrounded by a mob of angry men, who shot down or captured and hung such Chinamen as attempted to escape. Later the building was broken into and the eight remaining victims were dragged to the street, subjected to brutal manhandling, and then taken to a corral on New High Street, where they were hung.

Naturally enough the gang of hoodlums and thieves took advantage of the occasion to pillage several neighboring stores; and such Orientals as fell into the hands of the infuriated mob were dragged out and hung. In all nineteen Chinese were thus massacred, some with revolting and barbarous cruelty. Neither youth nor age was spared. Later it was established that only one of the nineteen unfortunate victims had been actively concerned in the original "tong war."

Notwithstanding the rougher phases of life in the Los Angeles of this period, however, it should be borne in mind that such incidents were really quite superficial and relatively insignificant. Observers who had the good fortune to enjoy intimate acquaintance with the best families of southern California have painted for us far more attractive pictures of society.

After several early attempts at citrus culture in southern California, a Doctor Halsey started a nursery of oranges and limes on the Rowland place in 1854. The property was soon sold to William Wolfskill, who in 1857 set out several thousand trees, thus establishing what remained for some time the largest orange orchard in the country.

In 1860 Leonard J. Rose, a native of Germany, purchased from Wolfskill a quarter section of land near Mission San Gabriel, where he laid out an orange grove and a vineyard that soon became one of the leading "show-places" of the county. During the season of 1868-69 twenty-two hundred boxes of oranges were shipped out of Los Angeles. Further impetus was given to orange culture by Doctor Thomas Balch Elliott, founder of the California Colony of Indiana, who in 1874 took possession of his grant along the Arroyo Seco and there devoted himself to the development of his orange orchard. In 1875 the settlement dropped the name Indiana Colony, and Pasadena (supposed to be Chippewa for "Crown of the Valley") was adopted. By 1880 more than one and a quarter millions of orange trees were growing in southern California.

The oranges and lemons of southern California carried off the prizes at the great New Orleans Exposition in 1884-85, in competition with the world's products. This greatly stimulated the eastern market and did much to advertise Los Angeles. The Board of Trade, founded in 1883, devoted itself to "boosting" the southern section of the Golden State. Beautiful lithographs were broadcasted throughout the eastern part of the country; local newspapers issued richly illustrated editions on various occasions; many pages of attractive advertising matter appeared in eastern magazines and were read in all parts of the world. Vast quantities of "literature" dilated in glowing rhetoric on "the salubrity of our glori-

ous climate, climate, climate," on the immense fertility of the soil, the infinite variety of products, and the immense profits to be won from semi-tropical fruits in southern California. The super-promoters exceeded all known bounds in their ardent efforts: so effective were they in their self-generating effusions that they undoubtedly hastened the coming of the great boom of 1887.

The extension of the Southern Pacific Railroad, and the advent of the Santa Fé road—with extension even to San Diego—brought about a sharp rivalry between the two companies, a rivalry that quickly developed into a memorable railroad war. At the height of the war, in 1886, tickets from Missouri River points to Los Angeles were sold for as low as $5.00, and for a single day the fare was fixed at $1.00 for a 2,800 mile ride! A natural result of such an anomalous situation was the precipitation upon southern California of a wave of migration such as had seen no parallel.

The demand for houses and lots was enormously increased. Hundreds of men—and women, too—most of them wholly inexperienced, made great haste to enter the real estate calling. Hordes of would-be speculators rushed in "to invest, wager, or swindle." In his invaluable reminiscences, *Sixty Years in Southern California,* Harris Newmark gives us this picture:

> Thousands upon thousands of Easterners swelled the number already here; dealers in realty sprang up like mushrooms. It was then that the demand for offices north of First Street, exceeding the supply, compelled many an agent unwillingly to take accommodations farther south and brought about much building, even to Second Street! It also happened that a dozen or more competitors occupied a single store-room. Selling and bartering were carried on at all hours of the day or night, and in every conceivable place; agents, eager to keep every appointment possible, enlisted the services of hackmen, hotel employees and waiters, to put them in touch with prospective buyers; and the same properties would often change hands several times in a day, sales being made on the curbstone, at bars or restaurant tables, each succeeding transfer representing an enhanced value.

The eagerness for speculation became a consuming passion, sweeping like a prairie fire over the country. A large portion of southern California was cut up into town lots and additions to other towns, while as many as sixty new town-sites were thrown upon the market during the single year 1887. In numerous instances the only limits to a new city were the limits of adjoining cities! Says a writer on this period:

> They appeared like scenes conjured up by Aladdin's lamp. Out on the desert, in a river wash, or a mud flat, upon a barren slope or hillside and in the fertile minds of the boomers these townsites appeared.

Among the many town-sites put upon the market mention may be made of Azusa, where lots went with a rush; Rosecrans, situated midway between Los Angeles and Gardena; St. James, in Orange County; Sunset, northwest of the present town of Beverly; and Gladstone, "in the midst of the choicest orange groves and vineyards" of the Azusa, which proved to be one of the most colossal failures of the entire boom period. A. E.

Davis later presented a document before the State Board of Equalization setting forth the history of sixty "paper" towns, laid out since January, 1887, listed in the County Assessor's office, comprising 79,350 town lots and containing in all 2,351 inhabitants.

Every imaginable kind of scheme—ingenious, clever, fraudulent—was employed to attract the tenderfoot and to induce him to buy. For example, land advertized as having "water privileges" might prove to be land *under water,* or in a dry creek! There were many instances of truly hectic advertising. Thus, regarding a certain tract this lurid announcement appeared:

HE OR SHE

That hesitates is Lost!
An axiom that holds good in real estate
as well as in affairs of the heart.
Selah!

Every art known to the printer's trade was capitalized by the boomer. The brass band was an extremely popular means of advertising a new tract or town-site. The barbecue was likewise a very useful accessory.

Land was usually bought on contract, sales for cash being rare. Dealing in options reached excessive limits, some options being sold and resold a half dozen times before date of expiration. Professional promoters knew little of conservative business methods, and they practiced less.

The climax of the boom was reached in July, 1887, when the real estate transfers mounted to almost $12,000,000. From that date a decline set in. Banks became more and more conservative by advancing the rate of interest and increasing the margin of safety for loans. As obligations fell due sellers multiplied. The anticipated tourist army for the winter of 1887-88 failed to materialize, the little actual business of Los Angeles suffered a decline, and real estate—which had attained an altogether fictitious value—became a positive drug on the market.

The boom was at an end. Values tumbled almost as fast as they had advanced. Many individuals were quickly bankrupted. The wave of depression was both sharp and severe, fairly corresponding to the inflation. Readjustment required years of time. The experience, however, was an effectual lesson to the community: some level-headed individuals undoubtedly profited by the boom, and Los Angeles as a whole thenceforth took more seriously to heart the necessity of a balanced development of her substantial resources and of capitalizing her splendid opportunity to become the commercial and industrial center of the great Southwest.

The first Los Angeles Chamber of Commerce was established in 1873. Governor Downey presided at the initial meeting, which was held in the court house on August 1. Most conspicuous among the original directors was Myer J. Newmark, for many years a prominent citizen of California.

As a consequence of dry seasons and unfavorable financial conditions, a severe depression was experienced in 1877, resulting in the demise of the Chamber of Commerce. It is worthy of note, however, that it ren-

dered an outstanding service to southern California in winning the initial appropriation of $150,000 for the harbor at San Pedro.

The establishment of the present Chamber of Commerce in 1888 was one of the most significant events in the entire industrial development of the Southwest. Few organizations in any part of the world have been more powerful or effective agencies for educating the public in the advantages of a given locality than the Los Angeles Chamber of Commerce. Entering upon its work just when the great boom was collapsing, its task was indeed difficult; but the need was superlative.

It was decided to display local products to best possible advantage both at home and in various eastern cities in order to draw the attention of farmers and others to the special claims of southern California. Attractive citrus fairs were held from 1890 to 1895. At the Columbian Exposition in Chicago (1893), the Mid-Winter Fair in San Francisco (1894), the Cotton Exposition in Atlanta (1896), the Trans-Mississippi Exposition in Omaha (1898), and the Pan-American Exposition in Buffalo (1901), the Chamber maintained elaborate exhibits, which were visited by throngs of people from all parts of the globe.

On September 5, 1881, the city of Los Angeles had a noteworthy centennial celebration. The population, numbering some 12,000, was greatly increased by visitors from neighboring towns and the countryside. It was a gala day. The brilliant parade circled the old plaza after the manner of Governor De Neve's procession of 1781—but the original celebration occurred on the fourth and not the fifth of September, the wrong date being celebrated in 1881, we are informed, through a slight error by a local historian. Harris Newmark gives us a vivid picture of the centennial:

> Main Street was decorated with an arch, bearing the inclusive figures *1781-1881;* and the variegated procession, under the grand marshalship of General George Stoneman, was made up of such vehicles, costumed passengers and riders as suggested at once the motley but interesting character of our city's past. There were old creaking *carretas* that had seen service in pioneer days; there were richly-decorated saddles, on which rode gay and expert horsemen; and there were also the more up-to-date and fashionable carriages. . . . Two Mexican Indian women—one named Benjamina—alternately scowling and smiling, and declared to be, respectively, one hundred and three and one hundred and fourteen years old, formed a feature of the procession. Clouds of dust, from the crowding auditors, greeted the orators of the day, who spoke not only in English and Spanish, but also in French; there were festal games and sports characteristic of the olden time; and the celebration concluded with a Spanish *baile,* at which dancing was continued until the following morning.

As these lines are written various committees and organizations are engaged in laying plans for the celebration of the Sesqui-Centennial of Los Angeles in 1931, which is being projected on a scale of magnificence and civic significance calculated to eclipse anything thus far attempted.

The vote to consolidate the town of San Pedro with the city of Los Angeles in August, 1909, marked a distinct advance in the expansion program of the enterprising metropolis of the Southwest and secured to its people and to the future the advantages of a great harbor. Eight days earlier the town of Wilmington, contiguous to San Pedro and possessing extensive water frontage and the inner harbor, had been annexed.

The legal consolidation of Wilmington and San Pedro with Los Angeles had been rendered possible by the annexation, in 1906, of the

PLAZA, LOS ANGELES, IN 1881

so-called "shoe-string," a strip of land five hundred feet wide and extending from the then city limits to the limits of Wilmington, a distance of fifteen miles, thus making it legal to annex the harbor district as contiguous territory.

With consolidation an accomplished fact, A. P. Fleming, chairman of the committee, declared, "Today Los Angeles is a seaport city." From that auspicious day Greater Los Angeles has been a vigorous reality.

The contest for the Los Angeles Harbor is one of the most memorable in the annals of southern California. The need of a deep-water harbor had been increasingly apparent for years, when an agitation arose for the

construction of a great seawall extending from Point Fermin into the outer bay, to afford protection to an area for large ocean-going vessels. In 1891 a board of army engineers submitted to Congress a report unequivocally favoring San Pedro as the best location. The rival location was Santa Monica. Summing up the case of San Pedro *versus* Santa Monica, the report submitted to Congress December 8, 1891, says:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from the prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southwest being infrequent; and that there is already an interior harbor that will be a valuable addition to the outer harbor, the Board considers San Pedro Bay as the better location for the deepwater harbor provided for by this act.

The following year an effort was made to secure a congressional appropriation to begin work.

It was at this stage that the Southern Pacific Railroad showed its hand—the chief engineer in a famous telegram declared that "no harbor could ever be constructed at San Pedro!"

A special commission of five eminent engineers of the United States Army was constituted to prepare a report on the relative merits of San Pedro, Redondo, and Santa Monica. The report of this body, known as the Craighill Board, likewise favored San Pedro; but even then the Southern Pacific protested, urgently advancing the claims of Santa Monica. Since the Terminal Railroad controlled much of the San Pedro frontage, the Southern Pacific perceived that it could not hope to enjoy exclusive control at that point.

For several years the harbor question divided the commercial leaders of Los Angeles into two hostile camps—those favoring Santa Monica, with the virtual railroad monopoly, and those favoring San Pedro, in opposition to the monopoly. Quite apart from the actual merits of the two localities, it is undoubtedly true that the dominant feeling among the people was distinctly hostile to the proposed harbor at Santa Monica on the ground that it was certain to be controlled by the great corporation, whereas San Pedro would afford free play for competition. Very naturally the Terminal Road and the Santa Fé were unalterably opposed to the Santa Monica location.

In 1896 a bill was introduced in the House to appropriate $2,900,000 for a deepwater harbor at Santa Monica. California's two United States Senators, as well as the Congressman from the district, were opposed to the measure. The Southern Pacific had powerful friends in Congress and maintained an influential lobby in Washington in the interest of Santa Monica. The struggle was long, intense, and many-sided.

United States Senator Stephen M. White, one of the most capable legal minds and brilliant statesmen ever produced in California, himself

a member of the Senate Committee on Commerce, demanded the appropriation for San Pedro: failing in this, he insisted that the whole question of location be referred to a third board of engineers, with one member from the Navy, one from the Coast Survey, and three from civil life. Ably reinforced by men like General Harrison Gray Otis of the Los Angeles *Times* and Thomas E. Gibbon of the Harbor Commission, and backed by a strong public sentiment and the influential Los Angeles Chamber of Commerce, White succeeded in turning seeming defeat into decisive victory. The new commission, known as the Walker Board, rendered its verdict in favor of San Pedro. In spite of further and vexatious delay, work was actually begun in April, 1899, with an appropriation of approximately $3,000,000.

After still further interruption and irksome delay, the great breakwater was finally completed in 1910. This great seawall of granite extends two miles into the sea from a point northeast of Point Fermin, near the spot which, in an earlier régime, witnessed the laborious loading of hides upon the American vessels, as graphically described by Richard Henry Dana in *Two Years Before the Mast*. This great arm of rock extending out into the sea affords shelter from dangerous storm waves to an area of three hundred and fifty acres of deepwater harbor besides two hundred acres more of shallower water. Here is a perfect anchorage sufficiently commodious for the commercial fleet of the entire nation.

From 1910 the development of the port of Los Angeles, which has often been ridiculed as the "irrigated harbor," the "harborette," and the expansion of its maritime commerce constitute one of the most amazing chapters in the history of the great Southwest. This "man-made harbor" has already brought Los Angeles to a prominent place among seaport cities of the United States.

One feature of the consolidation of San Pedro with Los Angeles was the promise, on the part of Los Angeles, that $10,000,000 would be expended on harbor improvements in a period of ten years. Recent accomplishments and plans for future development at the harbor obviously cannot be set forth in any detail in the present work. The city of Los Angeles, rightly esteeming its harbor as one of the very greatest of its resources, has cooperated with the Federal Government in the serious endeavor of developing to the fullest extent its "$30,000,000 project." The harbor now (1925) has more than thirty miles of deep water frontage, with half as much yet susceptible of future development. Miles of additional berthage will be rendered available, and portions now in use will be utilized to a far greater degree. The project is estimated to be actually worth at least $100,000,000, and is in fact paying magnificent dividends in the saving of transportation costs and the further stimulation of commerce in the Southwest.

The expansion of trade through the harbor has been phenomenal In 1900, 501 vessels entered the port; in 1914 the number was 3,919; in 1924 the total reached 6,215, of which 1,082 were foreign vessels. It has

LOOKING NORTH ON BROADWAY FROM EIGHTH STREET, LOS ANGELES

become a proud boast that "Every daylight hour some ship rises out of the sea lanes of the world to enter the port of Los Angeles." The tonnage of shipments for the fiscal year ending June 30, 1914, was 1,682,794; ten years later it amounted to 26,550,464 tons. Export trade increased from $2,159,725 in 1916, to approximately $68,000,000 in 1924.

The chief article of export is petroleum, which goes to Chile, Canada, Argentina, China, Japan, Mexico, Panamá, the Philippines, England, France, and Germany. For several years Los Angeles has enjoyed the reputation of being the largest receiving port for lumber in the world, the total receipts for 1924 being upwards of two billion board feet. Scores of steamship lines now run out of Los Angeles to practically all parts of the world.

The story of industrial development in Los Angeles and environs is likewise full of the marvelous. Only a few years ago the typical booster for the sunny southland was twitted with the retort that Los Angeles was "the land of tourists and one-lungers!" But no American city has exceeded the rate of its industrial development. Los Angeles County—quite contrary to an earlier view—possesses all five chief requisites necessary to successful manufacturing; raw materials, cheap fuel and power, efficient labor supply, adequate transportation facilities, and wide markets.

From insignificant beginnings manufacturing establishments—most of them small, to be sure—at present number some 6,000, and to speak of the "billion dollar industry" now occasions little comment. The many industrial districts within the city and in close proximity to it permit great diversity of specialized products. The annual value of manufactured products increased from $15,134,000 in 1899 to upwards of a billion dollars in 1924. In explanation of such phenomenal development it is claimed that at no place in the country are water, power, and fuel—the three essentials of industry—available in equal quantities and at such low costs as at Los Angeles.

With startling suddenness has the motion picture industry—perhaps most typical of all in Los Angeles—come into world prominence. For several years—astonishing as it must seem to the average reader—this has been the largest single industry in southern California. So favorable are the climatic conditions, permitting the operations of the producer almost without interruption, that four-fifths of all the pictures produced in the United States are being made in the sunny Southland. It has been estimated that the value of the pictures annually produced in and about Los Angeles exceeds $150,000,000.

Into southern California during recent years have come many thousands of families from the East and Middle West, cutting loose from former associations and, in a majority of instances, being compelled to seek new employment in their new home. Added to this large supply of labor is a numerous Mexican population, constituting the chief source of unskilled labor, and several other and smaller increments of foreign population.

By reason of the character and peculiar conditions of the laboring classes, and because of the powerful influence of certain forces like the Merchants and Manufacturers Association and the *Los Angeles Times,* trade unionism has met with very indifferent success in the southern metropolis, which has consistently been known as an "open shop town." This stands in strong contrast to labor conditions which have obtained in San Francisco, which (until very recently) has been consistently regarded as "a closed shop town." The sharp contrast in theory and practice with reference to organized labor, each making its claims and counter claims, has been a conspicuous cause of the long-standing rivalry between the city by the Golden Gate and the city by the Angel Port.

The acquirement of the rights to the flow of Owens River and tributary streams in Inyo County by the municipality of Los Angeles and the construction of the great aqueduct that bears its name constitute one of the most noteworthy achievements in the history of the southern metropolis. The work was inaugurated in 1904, and the giant water course was placed in operation and formally dedicated November 5, 1913.

From the intake in Owens Valley the water is conducted a distance of 258 miles and delivered into the city's distributing system. The total cost, including the purchase of land for water rights, was $24,500,000. Additional development of water yield, as well as of hydro-electric power, is still progressing. The system has a total capacity adequate for the domestic needs of a population of 2,000,000, and in addition the generation of at least 120,000 horse power of hydro-electric energy. The name that stands out most conspicuous in this great engineering accomplishment is that of William Mulholland, chief engineer throughout the entire period of the development of the gigantic project.

It is now evident that the present city of Los Angeles would have been impossible without such a supply of water as that from Owens River: moreover, scores of thousands of acres of fruitful land would have remained a barren desert. So great has been the recent population growth, however, that by 1924 it was perceived that the supply of water from Owens River, which in 1910 was believed to be sufficient for all time, will sooner or later prove quite inadequate: therefore eager eyes began to scan the horizon for a still more ample water supply to meet the needs of metropolitan Los Angeles; and at the present moment the greatest economic problem of the municipality—as of the entire Southwest—is to secure both water and power from the great Colorado River.

There is little in the actual government of Los Angeles that requires special notice. In January, 1889, the State Legislature confirmed the new charter that had been duly formed by a non-partisan board of freeholders. The new charter increased the number of wards from five to nine, one councilman to be elected from each ward. Numerous charter amendments were adopted from time to time, one of the most important being the abolition of the ward system, another the incorporation of the machinery for popular legislation—the initiative, referendum, and recall.

The present charter, believed to be better adapted to the needs of the rapidly expanding municipality, was adopted by the electorate in 1924 and went into effect July 1, 1925. In accordance with its provisions the city is divided into fifteen districts, and by order from the court one councilman is elected from each district.

By an overwhelming majority the recall provision was incorporated in the charter in 1903, its leading proponent being Doctor John R. Haynes; this provided that "The holder of an elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent." The first real test of its effectiveness came in 1909 in the recall election against Mayor Arthur C. Harper.

Harper was openly charged with the protection of vice. His appointment of the chief of police as a member of the Board of Public Works over the protest of civic organizations—especially at the time when $23,000,000 was to be spent in building the Los Angeles Aqueduct, precipitated the recall proceedings. Within a fortnight nearly 11,000 electors had signed the request for the recall election.

"Uncle" George Alexander, then three score years and ten, was nominated as the citizens' candidate to oppose Harper. The socialists nominated Fred C. Wheeler. On the evening of March 11 Los Angeles was astounded to learn that the mayor had formally requested the withdrawal of his name from the ballot and had submitted his resignation. This action was stated to be due to threats to expose certain damaging evidence in the possession of the *Evening Express*.

The city was then without a mayor and in turmoil. Legal opinion as to the correct procedure was sharply divided. The city attorney, however, held that any person appointed mayor by the city council could hold office only till the person elected by the people on March 26 had qualified.

The choice for ad-interim mayor fell upon William D. Stephens, later governor. Great enthusiasm prevailed when his election was proclaimed in the council chamber. Stephens stepped into the breach from a patriotic sense of duty, for a single fortnight.

The recall campaign proceeded vigorously. An unusual combination of circumstances, particularly the activity of many so-called "machine" Republicans, rendered the outcome of the election problematical till the last. By the slender majority of some 1,500 votes Alexander was elected, while five of the nine wards actually gave Wheeler a plurality. The new mayor in due time entered upon his nine months term, at the end of which he was elected to the regular full term. The recall had shown itself effectual in the government of an American city. It was universally conceded that George Alexander was the pliant tool of nobody.

In the rapid expansion of Los Angeles and neighboring cities it was inevitable that inter-community problems should arise, especially those of transportation and highway routes, whose wise solution would be impossible in the absence of joint consciousness and cooperation. In response to the demand for official expression of this purposeful demand, the

SCENE IN MODERN LOS ANGELES

County Board of Supervisors established the first official Regional Planning Commission in the United States.

The population of the county in 1925 numbered about 2,000,000, or an increase of 125 per cent in a five-year period, and representing approximately two-fifths of the population of the whole State. This in reality constitutes one vast metropolitan region the outer portions of which have recently been growing even more rapidly than Los Angeles City itself. Therefore the Regional Planning Commission has become "an advisory arm of the county government," whose particular function it is not only to effect the application by all appropriate agencies of sound principles for the solution of problems as they arise but also to anticipate by careful study of present tendencies the inevitable questions of future concern. These include the opening of new tracts for subdivision, locating industrial districts and business sites, recommending extensions and improvements in transportation facilities, and other inter-community problems.

In acting as regional adviser to more than two score of municipalities within the county as well as to the county itself for unincorporated territory, the Commission has already done much to arouse a helpful joint consciousness, while promising ever increasing results for the future. The harmonious inter-action of many agencies becomes increasingly imperative: to that end the spirit of cooperation has been hopefully advanced.

Notwithstanding the series of frequent annexations of territory since 1906, with their respective increments of population, there is still virtually limitless room for further expansion by the city of Los Angeles. With the annexation of the beach city of Venice late in 1925, the total area of Los Angeles was brought to 415 square miles, or approximately ten times that of the City and County of San Francisco. It is sometimes referred to as "earth's biggest city"; and some men of vision profess to see Los Angeles of the future "having the greatest population of any city in the world, as well as the largest area."

Whether additional annexations of cities and communities will in the future continue as in the past, or whether there will ultimately be consummated a reorganized City and County of Los Angeles, is not the present concern of the historian. It is significant, however, to note that there has already developed in the southland a great metropolitan area that has, as a part of the commonwealth, at length come to consciousness of a unity of purpose and of opportunity, possessing irresistible power and an unquenchable spirit. It is little wonder that Los Angeles has been called a magic city, or that prophets are prone to picture for it even a more amazing future than has been its past.

CHAPTER XLIII

EXPOSITIONS AND FESTIVALS IN CALIFORNIA

California has always had a decided fondness for holding fairs and expositions, for the purpose of exhibiting to her own citizens and to the stranger within her gates her ample resources, the abundant products of her endeavors, and her progress in the arts and sciences. In every part of the State, revealing infinite variety of detail, may be found local, county, and regional exhibitions; and each has made its contribution to the development of the commonwealth.

On September 8, 1857, the first industrial fair of the Mechanics Institute was held in San Francisco, in a pavilion specially built for the purpose. The Institute had been organized in March, 1855, and its beneficent influence was being felt through its fine library and other educational features. The fair, which came to be an annual event of very considerable importance, was an elaborate exhibition of the mechanic arts and of developments in agriculture and horticulture.

> "As something new and surprising, as well as beautiful and instructive," wrote Theodore Hittell, "the exhibition attracted universal attention and, during the three or four weeks that it was kept open, it was exceedingly popular and always densely crowded.

The pronounced success of the first Mechanics Institute Fair was an evidence of the revival of confidence and of an improved financial situation after the political degredation and severe business depression of the years 1854 to 1856.

Each year, there is held in Urbida Springs Park, San Bernardino, to mention a single illustration of the very numerous fairs and expositions of local or regional interest,—though often attaining far wider significance,—the National Orange Show, which has been denominated "California's greatest midwinter event." Half a generation ago the idea was conceived, and the project was launched in the interest of the citrus fruit industry of the State. This unique exposition has grown from humble beginnings into one of the outstanding institutions of the southland. Of the hundreds of thousands who attend it, probably its most special appeal is to the tourists in California, who are made to realize that the National Orange Show, with its marvelous display of oranges and other citrus fruits, could not be duplicated in any other land, but has come to fill a particular niche in the development of the Southwest.

The State Fair of California has become so closely identified with the development of the State as to require at least a brief account. Early

in 1854 the State Agricultural Society was founded: its officers, with F. W. Macondray of San Francisco as President, organized as a Board of Directors and decided to hold the first State Fair in San Francisco beginning October 4 of that year.

For some years the annual Fair had no regular abiding place of meeting, the State Society yielding to the inducements offered by several different communities, respectively. In 1855 the Fair was held at Sacramento, the following year at San José, in 1857 at Stockton, and in 1858 at Marysville. In 1859 it returned to Sacramento. The great contest which arose over the location for 1860 led to an amendment to the Society's constitution as follows: "The Society shall hold an annual fair at the city of Sacramento." Thus was settled permanently the question of location.

For a long time the leading patron of the State Fair was John Bidwell of Rancho Chico, who began to make extensive exhibits in the late fifties. For some time he made it a consistent practice never to accept medals or premiums for his exhibits; but after his marriage in 1868 he accepted medals, presenting them in turn to Mrs. Bidwell, who in the course of the years came into possession of a beautiful collection of gold and silver medals. Previous to 1875 he was frequently honored by being invited to give the annual address before the State Agricultural Society. When it became apparent to him that betting on horse races and concomitant evils had become the principal feature of the fairs, Bidwell stoutly refused longer to countenance them, withdrew his moral support and discontinued his extensive exhibits.

For many years the State Fair was a "double department institution"; that is, there was a division of attractions, the industrial exhibits being in the pavilion, first at Sixth and M Streets and later in Capitol Park, and the races and live stock attractions at East Park. This handicap was finally overcome when the Legislature in 1907 voted an appropriation for the wrecking of the pavilion and the construction of two new exposition buildings at the new and larger park located on the Upper Stockton Road about three miles from the center of the city. Later appropriations made possible the completion of Agricultural Pavilion, Manufacturers' Pavilion, Machinery Hall, and other appointments, and in 1909 the State Fair was all held for the first time in one great enclosure. The wisdom of this change has been amply demonstrated by the experience of recent years. Another improvement worthy of being noted resulted from the elimination of certain objectionable features, particularly of gambling, which had become somewhat prevalent.

Its functions are now both numerous and diverse: a contemplation of them awakens admiration for the minds that conceived them and worked unceasingly for the advancement of the commonwealth. The State Fair has been likened to a huge mirror in which are seen reflected the previous year's agricultural endeavors,—bringing together the im-

provements, embodying excellent and timely suggestions growing out of the year's experience, correcting past errors, and affording an interchange of ideas calculated to develop a better California and prove of ultimate benefit to its people. The carefully planned exposition of agricultural and horticultural products as well as products of allied and interdependent industries of the State has come to represent the cumulative result of seventy years.

The phases of the Fair include not only fruit and grain growing and animal husbandry, but also racing of thoroughbred horses, the great mining industries, machinery of many varieties, craftsmanship, fine arts, and all phases of education. As a medium of advertising and dignified publicity alone, it has fully justified the State for its continued maintenance. The agricultural interests in particular have been stimulated and advanced in a remarkable degree. The Fair belongs in a very real sense to all the people and not to any special class, hence is a potent factor making for democracy in the commonwealth.

> "The fundamental principle of an exposition," to employ the words of D. C. Collier, "is to display the things that mean progress, the progress of the past and the progress of the future. Every exposition is educational and the measure of its value as an educator lies in its revelation of the world's advancement. If it succeeds in presenting this in its best form and manner, it has been the best educator; therefore, the best exposition."

In more recent years, however, California has been the home of three great expositions of wide international significance; and it is with these that the present chapter is chiefly concerned.

As the great Columbian Exposition at Chicago approached its closing days in the autumn of 1893, the idea entered the minds of certain Californians of holding at San Francisco a great Fair that would be of world-wide interest and significance. It was readily observed that a large and unprecedented collection of fine exhibits from all countries, already in the United States, might be attracted to the Pacific Coast and so furnish the basis of a California exposition without parallel.

But discerning men saw another and more compelling reason for maturing plans for the exposition. San Francisco, in common with all parts of the country, had suffered serious business depression and was on the verge of a financial panic. The stern fact, recognized by those in a position to feel the business pulse of the community, though not openly discussed at the time, led a few prominent San Franciscans to do something that would divert the public mind from dwelling upon the approaching crisis. M. H. de Young expressed this thought in these words:

> I am inclined to think that the consideration that an imperative necessity existed that something should be done to rescue the city of San Francisco from a commercial collapse was the controlling motive . . .
>
> I think it was a clear apprehension of the existing state of affairs that caused the suggestion to hold a Mid-winter Exposition in San

> Francisco to be taken up and pushed with energy. . . . To all dissuading arguments the answer was promptly made that it could not injure California to make the attempt to hold an exposition, and that the fruits of success would be all the more appreciated because of the obstacles overcome.

On February 28, 1894, exactly five months after ground was broken in beautiful Golden Gate Park, and in less than three months after the closing of the great Columbian Exposition, the California Mid-winter Exposition was formally opened by the Executive Committee, and in so brief a period San Francisco was enjoying a fair pronounced second only to those at Paris and Chicago. The manner of accomplishment was as striking as the speed. The hundred attractive buildings and the lovely gardens that adorned the graceful Exposition grounds were brought to completion "without the gift of a single dollar from the nation, State, or municipality," all the funds required being derived from voluntary subscriptions and contracts to concessionaires.

The greatest exhibits were agricultural and horticultural, specially featuring new and promising varieties of fruits and grains. Many seedling fruits up to that time unknown to the world of commerce were displayed. Second only to the agricultural exhibits were those revealing mineral resources. The great bulk of recorded gold production was graphically shown, while the rich display contained placer nuggets and fine gold, as well as silver, copper, cinnibar, antimony, nickel, coal, asbestos, clay, marble, sandstone, chalcedony, jasper, soapstone, and onyx. Interesting special features illustrative of the pioneer days included a replica of Sutter's Fort and the cabin of James Marshall.

In the Fine Arts Building paintings were to be seen from French, German, Russian, Polish, Canadian, Italian, Spanish and American artists. This building, of permanent character, represents a lasting contribution to the esthetic development of San Francisco. Prominent among the many educational exhibits at the fair was one showing the remarkable development of the University of California.

The Midwinter Exposition, as a dignified form of advertising and as a magnet to draw home-seekers to California, was an undoubted success. Among its general results may likewise be mentioned the upbuilding of mutual understanding within the State, as well as the arousing of the people of the country to the resources of California and the versatility of its inhabitants.

> "The Exposition," wrote James D. Phelan, "argues for the taste and civility of a people who, until recently, were regarded in certain quarters as semi-barbarous with Bret Harte as their best exponent. What Nature has done for California the Fair has done for her people. It has also exhibited to the world that God's bounty and man's enterprise are united on the Pacific Coast."

In this connection the celebration of California Day at the Columbian Exposition (September 9, 1893) deserves a brief mention. Large numbers of pioneers and native sons and daughters from many cities were

in attendance. In all there were on that day 231,532 paid admissions. Tons of fresh California fruits were distributed to the assembled multitudes with lavish hand. The "New Liberty Bell," conceived by W. O. McDowell and made from the small contributions of thousands to ring only on the anniversary of important liberty events, was first rung in Chicago on California Day, by Miss Alice Scott of San Francisco, daughter of Irving M. Scott, president of California's World's Fair Commission.

The idea of having a great international exposition in California in fitting celebration of the completion of the Panamá Canal originated with Reuben B. Hale, a director of the Merchant's Association of San Francisco. The great earthquake and fire of 1906 had laid in waste in three days what had required more than half a century in building. Many a man sincerely mourned San Francisco as something "that now had passed away forever"; but, says John Stephen McGroarty,

> More beautiful than ever, stronger and greater than ever, again the city of St. Francis looks out upon the Sunset Sea from thrice her seven hills—once more,
>
> "Serene, indifferent to Fate,
> She sits beside the Golden Gate."

The city of San Diego made a strong bid for the great Fair. This charming city—the first port to the north of the border on the Pacific side of the United States—to many minds seemed the fitting place for celebrating the opening of the Panamá Canal. But priority of claim and especially superiority in population and financial power gave San Francisco the decision, although not until it was agreed that a second Fair would be held at San Diego. The northern Exposition was to be "universal, all inclusive, a final summary of man's past achievements." The city of the southland needed "a distinct, outstanding, individual differentiating purpose." In short, the two fairs were to be not competitive but complementary. The compromise was reached in 1909.

On March 22, 1910, the Panamá Pacific International Exposition Company was formed. A mass meeting was held in April of the following year in which the sum of $4,098,000 was raised by popular subscription. Other amounts provided were as follows: the State, $5,000,000 by bond issue; San Francisco, $5,000,000; states and territories, in buildings and displays, $8,000,000; counties of California, $3,000,000; investments in concessions, $10,000,000; expenditures by foreign governments, $5,000,000; expenditures by individual exhibitors, $6,500,000. The total is given at $50,000,000. Armed with such a remarkable guaranty of complete financial ability to meet every requirement, California representatives in Congress were successful in their efforts to have San Francisco officially designated as the place for the great celebration, notwithstanding the strong claims of New Orleans, which waged an aggressive campaign for the privilege. When the bill

was finally signed by President Taft, February 15, 1911, San Francisco turned loose her carnival spirit.

The site selected for the Panamá Pacific International Exposition—not without long discussion and sharp difference of opinion—was a natural amphitheater facing the Golden Gate, a total area of about a square mile, a considerable portion of which was very low or actually under water. Much dredging and filling were required to prepare the ground for construction. The preliminary work alone cost a half million dollars.

Festival Hall and eleven great exhibit palaces were grouped about the center of the spacious grounds. Large numbers of state buildings and pavilions of foreign nations were in evidence, and stretching beyond were exhibits of live stock, the race track, aviation field, and drill grounds. The familiar method of the grouping together of a large number of individual structures was supplanted by the idea of a definite and complete plan to which each building as a unit in the larger scheme was contributory. The dominant influence in the determination of architectural treatment was the magnificent site itself with reference to San Francisco Bay.

Selection of colors and supervision of their application was the work of Jules Guerin. The buildings were of a soft gray tint, secured by use of imitation Italian travertine marble. The great domes were painted a pale green, the small ones burnt orange. Everything was carefully planned and skillfully executed, achieving a result which in its totality was a unique realization of a marvelous dream. We quote from a statement by Charles C. Moore, President of the Exposition, to whose splendid ability and high qualities of leadership the Exposition itself owed much of its success:

> Viewing the vast exposition area, with its domes and spires and minarets, its lofty towers and massive buildings and garden spaces, it is as though some genii had rubbed an Aladdin's lamp and brought forth the miracle. Two and one-half miles in length along the southern shores of San Francisco Bay and averaging, perhaps, one-half mile in width, with 250 buildings of varying sizes embraced in the ground plan, the spectacle, unique in its architecture, its color, its sculpture, and the prodigality of its arboreal and floral life, stands as one of the wonders of the world. In its field it is, indeed, an accomplishment as monumental as the event it commemorates—the completion of the Panama Canal, not only man's greatest engineering achievement, but the most helpful single accomplishment of its kind in the world's history.

On February 20, 1915, after years of patient preparation, President Woodrow Wilson touched the key that closed a circuit at the wireless station at Arlington, Virginia, and caused the intricate machinery to spring into action and myriads of lights to flash into a burst of color. The great Exposition was formally opened.

In this setting, by the western sea,—magically beautiful in form and light and color,—"the twentieth century paused to take stock of itself."

What had been achieved since the Lewis and Clark Exposition in St. Louis? The rapid march of progress, so brilliantly exemplified in the San Francisco dream city, made eloquent reply. There were the wireless, radium, automobile, aeroplane, Diesel engine, transcontinental telephone; there were marked improvements in motion pictures and many useful inventions as well as selective breeding and soil fertilization. Not least, the Panamá Canal was completed,—the gateway was opened from Atlantic into Pacific. A huge arch at the east and a second at the west entrance typified the purpose and result of the water-way,—the meeting of Orient and Occident.

The European War, from which dire effects had been predicted, caused many an Old World treasure house to be opened up, from which priceless exhibits were brought to California as a protection against the anticipated ravages of war.

The Panamá Pacific International Exposition was made the occasion for a most notable series of congresses, conferences, and conventions at San Francisco and vicinity. As *religion,* expressed through the world's Parliament of Religions, was the keynote of the conventions at the Columbian Exposition in 1893; as *learning* was the keynote of the St. Louis Exposition in 1904; so *utility* may be regarded as the keynote of the great Exposition by the Golden Gate. "It sought, as it were, to consolidate religion and learning, make them real and give them practical application to human life, through Service." In all there were more than nine hundred gatherings, expressive of an astonishingly wide range of interests, from agriculture to literature, from labor to religion.

During the ten months of the Exposition the total attendance was almost 19,000,000 representing gross receipts of $6,000,000 and an expenditure by visitors of double that amount. San Francisco, once more true to the symbolism of the phoenix myth, had demonstrated to the world the power and splendor of her renaissance after the disaster of 1906, and California's name was convincingly linked with world progress.

Seldom has greater affection been shown for a city by its inhabitants than was exhibited in San Francisco during the memorable last day and night of the great Exposition. It was difficult to realize that the end had come, and that the dream city must be dismantled. At the impressive closing exercises George Sterling read his poem, *"The Builders,"* a toast was received from President Woodrow Wilson, the Hallelujah Chorus was rendered, and final words were spoken by the presiding genius, Charles C. Moore,—words that marked "the end of a perfect day, the beginning of an endless memory."

A great Fair for San Diego had been suggested by G. A. Davidson, President of the local Chamber of Commerce, in September, 1909. Here it was, in the southwestern corner of California, that the first permanent settlement by the whites had been made; here it was that devout Junipero Serra had stormed Heaven in a last desperate effort to save the band of starving Spaniards and christianize the country.

As a result of the compromise with the northern city, San Diego undertook preparations for the Panama-California Exposition. It was the abounding faith and energy of such men as D. C. Collier and H. O. Davis (Director-General) that brought so stupendous a project to successful culmination. San Diego, then a city of but 40,000, raised $3,000,000 by local subscription and municipal bond issues, and the Exposition was built up and paid for in advance of the opening day.

Balboa Park was selected as the site, and the baked, treeless adobe hillsides were quickly transformed by dynamite, water, and the plow

HOTEL DEL CORONADO, SAN DIEGO

into a place of rare charm and beauty, abounding in trees and shrubs. The distinctive attractiveness of the southern Exposition was told by a spectator in these words:

> The San Francisco Exposition keeps the visitor moving; it lures him from palace to palace, from court to court. The San Diego Exposition invites the visitor to sit down, to let his eyes wander and drink in the calm, serene beauty of Old Spain, to steep his soul in the mystic, half-religious atmosphere of the Castilian city. There is an abundance of sunshine and shade at San Diego and the cool wind carries the aroma of a million blossoms. So perfect is the picture, so harmoniously do all its parts blend, that the memory of it tugs and pulls at the heart strings. San Diego's Exposition is not merely a spectacle; it is an emotion, the memory of which contracts the throat and brings with it a feeling of homesickness.

One of the most striking exhibits was devoted to physiological anthropology. Edgar L. Hewett, in cooperation with the Smithsonian Institution of Washington, was able to present the subject with greater wealth and accuracy than was ever before attempted. Special expeditions were organized to go in quest of materials to Siberia, Africa, Polynesia, Peru, and other lands. Series of models of man before historic times were exhibited; a special room afforded an astonshing exhibition of pre-Columbian surgery; prehistoric civilization in Guatemala and Yucatan was richly illustrated; replicas of Maya monuments with bas-reliefs, models, and paintings graced the rotunda and galleries of the California Building.

Never had there been presented such an opportunity for the people to study the evolution of the race. Human progress was traced, step by step, by means of implements, models of aboriginal life, drawings, and many photographs. Indian life in the southwest was strongly featured.

The Panamá-California Exposition, intended originally to continue through one year, remained open through 1916. Thus it had no competition after the closing of the Panamá Pacific International Exposition in San Francisco. Its serious aspects attracted much concentrated attraction, thus greatly enhancing its highly educational effects. Because of its publicity and promotional aspects, its commercial and industrial features, the unique character of its architectural and artistic phases, and the impetus given to science and education in general, the San Diego Fair is rightly regarded as a worthy item of recent California history and as an important factor in justifying San Diego in her claim to the title, "Jewel City of California".

The completion of the Panamá Canal may not be claimed as an achievement of California; but so profound has its influence been upon the development of California that any history of the State which fails to make mention of the universally significant fact falls short of the just demands upon it. The very presence of the two great expositions in the Golden State in commemoration of the opening of the Canal speaks volumes not only for California's progress in the esthetic life but likewise for her early achievements and glittering prospects in the realm of commerce and industry.

In his Ode for "Indiana Day" at the Panamá-Pacific Exposition, bearing the title "Panamá, the Mastery of Man," Professor L. O. Donnell thus summarized the significance of the great Canal:

Then let the morning and the night as one,
Let East and West and all the lands between,
North worlds and south together find a voice
Acclaiming what this day our eyes have seen.
Until the heavens are folded like a tent
With all the thoughts of coming time rejoice
Our swords were into yeoman plowshares bent,

And while this year on half the nations fell
The lightnings and the cursing rains of hell,
The last great wonder of the world was done.

Closely akin to the great expositions, and in recent years perhaps even more significant as a cultural influence, are a noteworthy series of California festivals and pageants. While no attempt is made to describe them all, or even to enumerate them, we must not fail to mention a few of those that have come to possess historic importance.

The Tournament of Roses, held each New Year's Day in Pasadena, has heralded the fair name of the "Crown City" into every part of the country. A generation ago, when Pasadena was a newly established village, a big event was a huntsman's party in a chase for coyotes, wild cats, and jack-rabbits. Perhaps a thousand persons participated in that first celebration. In 1925 more than half a million people crowded the city—transformed into wonderland—to witness the magical "flower epic," several miles long, and the concomitant amusements and exercises of the gala day. The Rose Tournament, long since a firmly established annual institution, calls forth such a lavish profusion of gorgeous flowers in mid-winter for the delectation of the thronging multitudes as is nowhere else in the world even remotely approached. And the simple message of all the pageantry, consisting in scores upon scores of allegorical floats of surpassing beauty is—"The Southland is an invitation to health, happiness, and prosperity."

Following the comparative drought of the winter of 1898-99, fear was expressed that the prune trees of Santa Clara Valley might not successfully weather the dry season. But the orchards did not cease their bearing. Accordingly, in a service of thanksgiving for the bountiful rainfall of the following season, the people of the village of Saratoga, beautiful for location in the world's greatest prune producing section, gathered in the Christian Church March 20, 1900, led by their devoted pastor, Edwin Sidney Williams. Later on the same day there was held the first Blossom Festival, which was thus the outgrowth from "a deep religious sentiment, crystallized into concrete form by the spontaneous movement on the part of the Saratoga churches."

And so, in the southern rim of lovely Santa Clara Valley, in the village of Saratoga, at the sloping base of the Santa Cruz Mountains, throngs of people gather annually in the month of March, when the horizon is bedecked with billions of snow-white blooms of the prune orchards, for the Blossom Festival. This is an occasion of open-handed hospitality. Church doors swing wide to visitors, home-made lunches are provided by women's societies, and automobile rides are provided to points of interest about the "Crown of the Valley." In addition to the allegorical parade, there are flower drills, folk dances, music, speeches, and athletic games. Through pagentry the memories of bygone days are revived, and the splendor and dramatic episodes of an earlier régime are depicted in gorgeous panorama. Edwin Sidney Williams is universally

SAN DIEGO FROM THE AIR, 1920

recognized as the "Father" of the Blossom Festival. Since 1912 the Festival itself is followed by "Blossom Sunday." Blossom Festival, distinctive and beautiful, is firmly established in California.

In southern California there is celebrated each Easter dawn one of the most unique religious events in the modern world, and it is as impressive as it is unique;—this is the annual pilgrimage to the top of a little mountain called Rubidoux, situated in the beautiful city of Riverside. This Easter service transcends all limitations of special creeds and sects—it embodies the outpourings of the universal: multitudes at break of day ascend into the hill of the Lord in simple devotion and unaffected worship.

The inspiring service was instituted by Jacob Riis, with a handful of friends, March 27, 1910. On each recurring Easter morn the service is repeated, with but minor changes of detail. Riverside has become the

MOUNT RUBIDOUX, NEAR RIVERSIDE
(From Pictorial History of California.)

Mecca of thousands of pilgrims, who come from many miles round about. Long before the break of day Frank Miller's Glenwood Mission Inn and the street of the peaceful city are all astir with eager throngs, and the long procession of automobiles and pedestrians begins to wind its way up the well-graded road and the lantern-lighted trail.

Near the top of the little mountain there is a mesa, which is utilized as a parkway, though no longer of adequate proportions; while at the exact summit majestically stands the historic Serra Cross, in perpetual commemoration of the devoted founder of the Franciscan missions of Alta California.

With the first promise of approaching day the deeper shadows of night yield to a gray translucence, in harmony with the great granite boulders. Day-dawn is near. The people, seated upon the staunch pews

built by nature and standing decorously with faces toward the uplifted cross, are of expectant mind and reverent heart; then, as is fittingly expressed by a writer,

> There is a moment's pause. On one hand San Antonio lifts his majestic white-crowned head above the clinging mists; on the other faint green and saffron pink herald the dawn. Then, as if for a signal, the golden rim of the rising sun comes up above the eastern slope, color grows and flickers, streaming zenith-ward, and, as if in response, a cornet sounds clear and strong above the throng, "Jerusalem, Jerusalem, lift up your voice and sing."

As the first brilliant beams of the Easter sun flash from the mountain top, the trained choir joyously breaks forth into the inspiring harmonies of Gounod's "Unfold, ye everlasting portals." Then the multitudes join in a dear familiar hymn of praise,—the very mountain seems to sing and show forth the glory of Jehovah. In unison the Lord's Prayer is reverently repeated, appropriate verses are read from Holy Writ, then Henry Van Dyke's kingly poem, "God of the Open Air" is fittingly read. In 1913 the author himself read the poem, inserting, with peculiar appropriateness, the beautiful lines,

> And so, on Easter Morn, His victory won,
> Breaking the mortal bars with flowers abloom,
> The Risen Jesus met the rising sun.

The poem deservedly holds a permanent place of honor in the annual sunrise service. And Carrie Jacobs Bond has composed an anthem for special use at Mount Rubidoux, "Beyond the Easter Dawn." This was first rendered in 1915, when Marcella Craft sang the solo parts.

At the conclusion of the service, the risen sun now flooding the world with light, the multitudes, after a moment's reverential hush, begin the descent. The pilgrim who tarries a little while at the summit beholds a wonderful view in the unbroken succession of automobiles threading the graceful curves to the city streets at the base and in the steady streams of pedestrians making their way like tiny lines of insects down the steep trails well worn by pilgrim feet.

The annual Easter sunrise service on little Rubidoux Mountain is a unique memorial in sunny southern California, not without its imitations outside of Riverside; but its fame has spread till it has become a world possession. By virtue of its universal appeal and the simplicity of devotion that characterizes it, it has come to belong to all the people and to enjoy every prospect of permanency and sustained popularity.

In the Arcadian age of California—so it is recorded—the Passion Play of those times (*Los Pastores*) was presented each year at a rancho home of what is now Hollywood. To this play the people from far distant ranchos made annual pilgrimage to witness what tradition calls an "unusually faithful reproduction of the life of Christ."

How fitting it is that the spirit of *Los Pastores* should live again in "America's Passion Play." In the summer of 1920 this remarkable pageant-drama, written by Mrs. Christine Wetherill Stevenson, reverently

depicting the life of the Christ, was first produced under the starry sky in a natural amphitheater of the Hollywood hills. The Pilgrimage Play is indeed "California's own Oberammergau." The author has adhered strictly to the biblical text; and in utilizing in the environment points of similarity to Palestine, there is unusual exactness of detail. Extreme care in the selection of players and in the preparation of parts, with strict fidelity of portrayal but with scrupulous exclusion of churchly creed,—all this has conspired to a most impressive telling of the immortal story, conducive to exaltation of spirit and good influences not easily forgotten.

The Pilgrimage Play, presented for ten weeks each summer, has become an established Californian institution. In the open-air theater in a cañon of the quiet Hollywood hills, but within easy access of the multitudes, the story of perennial power and beauty is told and retold in "the exact words of Jesus of Nazareth as He spoke them on the hills of Palestine."

Californians are becoming increasingly fond of pageantry. San Francisco has been the scene of many a memorable celebration, including the colorful Portolá Festival of 1909 and the brilliant Diamond Jubilee of Statehood in 1925. Many a pageant has been staged at the charming campus of the University of California at Berkeley, and at Muir Wood, amongst the stately redwoods. Mid-winter water fêtes are to be found at Santa Cruz, San Diego, Venice, and other sea-side resorts. John McGroarty's *Mission Play,* presented each season at San Gabriel, has won for its author national eminence. Santa Barbara's Flower Festival, orange festivals at San Bernardino and other citrus centers, the Cherry carnivals at Beaumont and San Leandro, the California Rodeo at Salinas and other points, the Grape Festival at Escondido, the Carnival of the States at Long Beach, the Poinsetta Festival at Ventura, the pageant-play Ramona at Hemet,—such is but a partial list of the California festivals. To the charge of commercialism in much of this pageantry it may be replied that each community rightly takes pride in its own historical heritage and its material resources, and in exalting the glories of the commonwealth each contributes to the happiness of all. Such is the story of human progress.

CHAPTER XLIV

CALIFORNIA AND THE WORLD WAR

Because of California's geographical position, fronting the Pacific Ocean, she was most remote from the active scenes of combat in the Great War against the Central European powers. All in all, perhaps she experienced less of real sacrifice and more of easy security than any other like portion of the United States.

Nevertheless Californians responded to the call to service in democracy's cause with such instinctive loyalty and high sense of patriotism that the record of their deeds and the memory of their lives will ever brightly shine in California's Hall of Fame. Among all the states of the Union none stands ahead of California "in the heroism and valor on the field of battle and in the civilian war activities." As the Golden State stood staunchly by the Union in the perilous times of civil strife, so she stood true to the nation in the more recent anxious days of the world's need.

In an address delivered before the Citizens' Patriotic Mass Meeting in San Francisco, April 10, 1917, Governor William D. Stephens said:

> Within thirty minutes after the President signed the declaration of war last Friday there was assembled at Sacramento the State Council of Defense. With patriotic fervor the task of placing California in a state of preparedness was at once taken up, and will be prosecuted with utmost diligence. Everything will be done that can be done to prepare us as a people for whatever eventualities may occur.

While it cannot be said that California, any more than the nation as a whole, was in anything like a satisfactory state of preparedness when overtaken by war, she was potentially great and powerful, a puissant commonwealth, motivated by a spirit that in the end went far to atone for the lack of practical preparedness. Fortunately the security of distance and comparative isolation afforded California—and indeed the United States as a whole—the much needed opportunity of calling into being and mobilizing our mighty resources, destined to take a decisive part in the conflict.

First and last the State of California contributed more than 150,000 men—no mean army in themselves—to the cause of the Allies in the struggle for freedom and democracy. Of these nearly 4,000 died in the country's service, making thus the supreme sacrifice. The total casualty list includes upwards of 34,000 names. An impressive and memorable ceremony was that on Armistice Day, 1919, when Governor Stephens distributed Golden Scrolls to the families of the hero dead.

It was a democratic army that went forth to do battle in the cause of humanity. There were the select youth representative of many races, without respect to political affiliation or religious creed. The colored troops of California received a tribute from the Governor for having shown themselves to be "unsurpassed in courage and in devotion to duty"; while in the battles of the western front they "made their place secure for all time on the roll of the nation's heroes".

In the great cantonments at Camp Kearny, near San Diego, at Camp Frémont, near Palo Alto, at Camp Lewis, in the State of Washington, and at other and various points throughout the country, in patrol duty on all seas, in hospital service behind the firing line in France, in the trenches at the long-extended battle front,—everywhere the flower of California's youth were found upholding the honor of their loved commonwealth. Particular pride was taken in the achievements of the Ninety-first Division, who fought in the Battle of the Argonne with such astonishing audacity and incredible resourcefulness as to win not only the commendation of their commander but likewise warm words of praise from the Allies.

Citations or decorations for distinguished service were received by approximately 1,200 Californians. These included principally the American Congressional Medal of Honor and the Distinguished Service Cross; the English Victoria Cross, Distinguished Service Order and Companion of St. Michael and St. George; the French Legion d'Honneur, Croix de Guerre and Chevalier de l'ordre de la couronne; the Belgian and Italian War Crosses. The large number of names on this honor roll is held as confirmation of the claim that "California stands foremost among the states in the display of heroism and valor on the field of battle and in the civilian war activities."

In a communication from the Navy League of the United States occurs the following paragraph:

> We note with interest that a very large proportion of Californians who served in the armies of the Allies gained medals for bravery, which confirms our theory that *The Californians Won more Distinction in the armies of the Allies than any other Americans who thus served.* It is especially interesting to note that two Californians received the Victoria Cross. It had been formerly supposed that but six Americans won this honor during the war, but this brings the number up to eight.

The two fortunate Californians were Lieut. A. F. Bonnali of San Francisco and Michael Jones O'Rourke of Alameda. The records leave no doubt in the minds of those who wondered for a while whether the Yanks from farthest America would really fight!

But the war was not alone to the fighters by land and on the sea: the entire people became engrossed in the many-sided, all-absorbing problem of gaining the victory. From the mightiest to the very humblest, each was called upon to "do his bit." In no previous war were so many civilian

organizations and activities enlisted in the struggle. It would be impossible even to mention the names of all the bodies—local, county, statewide, national—that sprang into existence, not always with clearly-defined aim and scope, to be sure, for the one end and purpose of ridding the world forever of "Kaiserism."

Money in unheard-of quantities was required to prosecute this most costly of all wars. The California subscriptions to the four liberty loans numbered 2,434,351 and amounted to approximately $768,781,000. The Victory (or fifth liberty) Loan reached $203,025,300. In each case the California quota was exceeded by a generous margin, while a large percentage of the citizens of the State suddenly became holders of the nations securities.

In March, 1916, John L. Clymer established the Pacific Division of the American Red Cross, which included the states of California, Nevada, and Arizona. Within this area three hundred chapters of Red Cross, with a large number of branches and auxiliaries, were organized. By means of some fifteen bureaus all phases of the Red Cross work were quickly developed. The manager, Marshall Hale, of San Francisco, left for France as early as May, 1916, where he received the appointment of manager of the Red Cross work in one of the war zones. As a result of the first Red Cross "drive," the subscriptions for California amounted to the handsome sum of $3,523,906.61; for the second the total was $7,119,392.63. Of a total population in California of less than two and three-quarter millions, upwards of 830,000 became members of the Red Cross. It would be difficult to conceive of the horrors of modern warfare in the absence of this wondrous agency of humanity.

The Young Men's Christian Association, the Knights of Columbus, and the Salvation Army were likewise conspicuous for their contributions to the cause of the nation and of mankind. The final report shows that there was raised by the Y. M. C. A. in California, during the three campaigns for the purpose (June, 1917, November, 1917, November, 1918) the sum of $7,375,842.36. The work of other organizations was directed to the same ends.

The forces of education were marshalled as never before in the prosecution of the nation's war aims; and California having won an enviable place among the states because of the excellence of her educational system, this contribution becomes one of the most significant and far-reaching of them all.

On February 13, 1917, only ten days after diplomatic relations with Germany had been severed, President Benjamin Ide Wheeler of the University of California requested of the Board of Regents the power to place the University, with its entire equipment and all its resources, unreservedly at the disposal of the Federal Government. The favorable response was instant, and the resolution was at once communicated to the Secretary of War.

For many weeks before the actual declaration of war, quiet preparations had been going forward within the various departments of the University to render the services that might be required. From a brochure on the military activities of the University we quote:

> . . . the noble phrases of President Wilson's message to Congress were still ringing in our ears when the concrete development of a programme of war service was begun. Step followed step with startling rapidity. Conferences were held, schools were organized, new departments of instruction were added, existing courses were altered to meet new demands, and the individual members of the University—students, faculty, and alumni, alike—were called upon to undertake the work each was best qualified to perform. The response was immediate and wholehearted. During the nineteen months of America's participation in the war, the University gave itself in ever-increasing measure to the supreme task, and the signing of the armistice found it transformed into a huge military machine, its drill grounds thronged with marching battalions, its campus covered with barracks and tents, its walks resounding to the tread of sentries, its classrooms filled with the uniforms of army and navy, its laboratories given over to the investigation of the problems of war, and its members one and all, men and women, faculty and students, undergraduates and alumni, devoting themselves to their country's cause—3,500 of them in active service with the colors.

Of the 3,500 men approximately fifty percent were commissioned officers and fifteen percent non-commissioned officers. More than one hundred members of the University Faculty received commissions. From September, 1916 to May, 1918 there was maintained on the campus a unit of the Senior Division of the Reserve Officers' Training Corps; this organization came to an end with the organization of the Students' Army Training Corps in September, 1918, which continued till after the signing of the Armistice. The Naval Unit was composed of 491 sailors, who devoted much of their time to the study of seamanship, nautical astronomy and navigation, and allied subjects. The remarkable diversity of war interests is well illustrated by a statement in the *University of California Chronicle*:

> Not only are Californians listed on the Army, Navy, and Marine Corps rolls, but names on the lists of the California Council of Defense, the National Council of Defense, the United States Shipping Board, the Pacific Coast Research Conference, the United States Department of Agriculture, the United States Public Service Reserve, the War Trade Board, the Red Cross, and scores of committees and subcommittees of these and other organizations, bear substantial testimony to the part the University is playing in America's supreme crisis.

Leland Stanford Junior University at Palo Alto, the University of Southern California at Los Angeles, and the other institutions of higher learning in the State, to the full measure of their opportunities and the limit of their resources, likewise responded with complete loyalty and eager patriotism to the nation's call to service, dedicating themselves and their all to the one great task of helping to win the war. On the far-flung battle line in France, with the nation's fleet on opposite sides of the globe,

in the busy shipyards, in laboratories, factories, and mines, in the wheat field,—wherever the call to service was heard, at home and abroad, college men and women were effectively at work. Never before in history did the college render so conspicuous a service in a great war; and in it all California bore a worthy part, made an invaluable contribution.

But the universities and colleges were not the only agencies in the field of education that were enlisted in the national cause of winning the war. California's unexcelled high schools were veritable hives of enthusiastic workers in every part of the state on behalf of the great war issues; thousands of their earnest pupils assisted in the great "drives" for special funds and campaigns of information. Even the hosts of children in the elementary schools throughout the length and breadth of the State loyally fell to work making "war gardens," carrying the gospel of thrift to their own homes, and under the guidance of their devoted teachers helping their Government as never before and showing a new reverence for the American Flag.

The character and scope of the scientific research carried on in California for the advancement of the national cause are sufficiently indicated by a mere recital of the names of the sub-committees at work, as shown by the final report of Charles C. Moore, Director of the State Council of Defense, dated January 2, 1919. The special reports included the following: astronomical and mathematical investigations, botanical investigations, chemical research, economics, engineering and inventions, entomology, geology and mineralogy, medical research, occupational selection, petroleum, physical investigations, psychological research, and zoology. While it is doubtless true that there was some wasted motion and considerable overlapping of activities, it is likewise true that the State had never before witnessed such a general and impressive marshalling of its intellectual and scientific resources in behalf of any cause whatsoever.

The painstaking and loyal efforts of local exemption boards, composed of unselfish men with high sense of patriotic duty, the hearty response to the incessant appeal to Californians with virtual unanimity, the earnest work of woman's clubs and numerous other organizations—in fact, all the available agencies of the great State that were animated by the true American spirit took up with all diligence and hearty enthusiasm the one supreme task of the hour, the task of achieving victory over the central European powers. Many of the churches of various denominations, notwithstanding their espousal to the gospel of peace, spared nothing in their single-hearted devotion to the nation's cause. They were proceeding on the exalted principle enunciated by President Woodrow Wilson, "The right is more precious than peace."

Though removed by thousands of miles from the scenes of actual combat, the fertile fields and ample resources of California's imperial domain made copious and significant contributions to the food supply. The sturdy farmers yielded to no class of citizens in their loyalty; taking up the slogan, "Food will win the war!" they poured forth into the

granaries and storehouses of the nation and the world, for the sustenance of the armies and needy peoples, stupendous quantities of wheat, barley, beans, fruits, meats, and vegetables. Likewise the relief work carried on by Americans in Belgium and other European countries, more extensive and more splendid than history had ever recorded, was greatly aided by the generous amounts of food as well as money from opulent California.

Notwithstanding the dominant spirit of loyalty throughout the length and breadth of the Golden State, it would be misleading to assume that there existed in California no spirit of sympathy for Germany, no individuals of questionable loyalty or of positive friendliness to our country's enemies. At the opening of the war there was almost no preparedness to combat the remnant of German and Austrian secret service operating in our midst. The army, the navy, the department of justice, patriotic societies and voluntary bodies of patriotic men (wrote a representative of the War History Committee for Los Angeles County) at once began to formulate nuclei—

> that would bring local organizations into being for active work of reporting and investigating and stamping out the activites of those in our midst who were trying to defeat from within the work of our law makers and citizens.

On the very day that war was declared the "Nathan Hale Volunteers" were organized in Berkeley, their object being "to cooperate with the United States Army, Western Department." In about a week a southern headquarters was established at Los Angeles. Soon the army voluntary intelligence organization was effected, and in the meantime the "American Protective League" was spreading westward from Chicago. Numerous other organizations were developed, such as the "National Intelligence Bureau," reporting to the army intelligence department of justice, and the "California Loyal League;" while many societies, fraternal orders, religious bodies, and clubs already existing became active in the furtherance of the same purposes. The lack of perfect articulation, and even exhibitions of positive inefficiency of many of these groups and associations is readily explained by the suddenness of the need and the total lack of preparedness, and is, at least in part, atoned for by the common spirit of them all—that of working diligently against the unseen foe.

For a time it might be said that sabotage, fires, explosions, and strikes were moderately effective; but in the main they failed in accomplishing results—the country was too large, the mass of the people too loyal. The Department of Justice kept very extensive files and followed up many thousands of cases that were reported. Perhaps because of its proximity to the Mexican border, Los Angeles County was by some regarded as a hot-bed of enemy activity. Within its borders more than 4,000 enemy aliens were registered, as required by law. The moral effect of all the efforts of the volunteer intelligence and secret service was good, despite lack of efficiency, serving to stiffen the backbones of many who were inclined to waver in their attitude toward the government, and to dis-

suade others—who had no real change of heart—from persisting in their disloyal efforts and in the commission of overt acts against the United States. There were those secretly endeavoring to counteract the influences of enemies who secured membership in or had *entré* to every known organization of Los Angeles County: thus was there spread a far-extending and comprehensive network of information to trace to their sources sentiments of disloyalty and deeds of hostile import, and finally to enmesh the guilty.

California's rôle in the Great War was a conspicuous and honorable one; her share in its achievements was glorious. Many were the honored participants worthy of their State's grateful tribute, as they have won the everlasting gratitude of the stricken countries of Europe. Enshrined in our fadeless memory are the names of such men as Hugh Gibson, who as secretary of the American legation in Belgium labored heroically and ceaselessly to save the starving women and children of Belgium, and Herbert C. Hoover, who, after doing the finest piece of relief work ever witnessed in Europe, returned to his own land to become food controller for the United States, mobilizing unheard-of stores of food supplies for war purposes and teaching Americas' millions some of the most valuable lessons of the generation.

Through the moral decadence that has everywhere temporarily followed the active scenes of war, through the sordid deeds of men of shortened vision there shines forth the high spiritual value which is the finest fruit of a sacrificial struggle for the enthronement of right over might. The lofty idealism of President Woodrow Wilson, obscured for a time by the fogs of selfish and unworthy interests, again shines forth resplendent and can never perish nor be forgotten.

> We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind.

With just pride—though with humble spirit—every true Californian may salute our country's flag and sing, with Alfred Noyes:

> Land of our hope, land of the singing stars,
> Type of the world to be,
> The vision of a world set free from wars
> Takes life, takes form from thee;
> Where all the jarring nations of this earth,
> Beneath the all-blessing sun,
> Bring the new music of mankind to birth,
> And make the whole world one.

CHAPTER XLV

MATERIAL DEVELOPMENT

When California was admitted into the Union in 1850, the actual tillage of soil was practically negligible and few persons believed that the State possessed any considerable potential value as an agricultural area. To be sure, the great rancho had occupied a place of real importance under the Mexican régime, and here and there an American had turned a furrow; but speaking by and large, it was the feverish search for gold —highly exploitative and speculative type of mining—that had become the one dominant occupation, almost totally obscuring, for the time, all other callings not actually subsidiary to itself.

But the cultivation of Mother Earth must ever be regarded as one of the basic occupations of mankind, one of the chief "foundation stones of civilization." The very presence in California of the hordes of gold hunters constituted a powerful demand for food-stuffs, in effect a challenge to the practical tiller of the soil to make haste with the plow and the reaper. Moreover, the cattle and sheep industries took on a new and important aspect as the presence of the American population of the early fifties and later created an extensive demand for beef and mutton.

The great fundamental resource of California, as of any great area inhabited by man, is the land itself,—or those utilities supplied by nature. This most elemental of all factors of production furnishes the raw material of all wealth.

Before discussing the agricultural and horticultural development of California it will be appropriate to make brief reference to leading phases of the mining and other extractive industries as developed subsequent to the first or purely exploitative period. The total land area of California is nearly 100,000,000 acres. In 1850 less than 4,000,000 acres were occupied by farms, whereas by 1900 the area was almost 29,000,000 acres. In 1850 the improved land amounted to only 32,454 acres.

The mineral lands of California may be classified into (1) lands containing metallic resources, (2) lands containing non-metallic resources, and (3) lands containing fuel resources.

Following the earliest crude methods of hunting and digging for gold, two methods of gold mining were developed on an enormous scale. The first of these was quartz crushing, consisting for a time in simply pounding gold-bearing quartz into fragments, then pulverizing it in great iron mortars by means of heavy pestles each made fast by a pole to the branches of a tree or other object. The primitive quartz-reducing ap-

paratus was called an *arastra*. The first mill for crushing quartz was erected by Webb and Company in Brown Valley, Yuba County, in 1851: several large mortars were used and power was furnished by a small engine. The pulverized quartz was treated with quicksilver to separate the gold. For a number of years it was by some considered an open question whether quartz mining really paid. In 1857 there was a quartz miners' convention in Sacramento, held "as a means of gaining information by mutual conference." By that time more than 150 quartz mills had been built in the State, representing a capital investment of approximately $5,000,000. A quartz miners' association was formed, which had the effect of greatly stimulating the industry, although it was regarded as something of an experiment till 1859, the date of the Washoe silver discovery. By 1863 great advance had been made both as to machinery and method, and quartz mining was well established.

Brief mention must be made of the discovery of the Comstock Lode, which proved to be one of the richest silver mines in the world. This epoch-making discovery, the interesting story of which belongs primarily to the history of Nevada, is credited to two brothers, Hosea B. and Ethan Allen Grosh, who as prospectors crossed and recrossed the Sierras and finally died in ignorance of the significance of their great discovery of 1857. The first heap of the "blue stuff" was found in Gold Cañon; the second in Six Mile Cañon, from which the lead was, in June, 1859, traced to the lode itself, which had been discovered by the Grosh brothers and which afterward was known as the world-famous Ophir Mine. In less than a generation the Comstock mines produced $350,000,000 worth of bullion and paid $130,000,000 in dividends.

Hydraulic mining dates from 1855. This method is peculiarly dependent upon a dependable water supply. It was necessary to dig hundreds of miles of mining ditches and in some localities to construct storage dams. Where it was impracticable to dig ditches wooden flumes were used, although these would seldom last for ten years. Inexperience and defective engineering proved to be very expensive.

At first the nozzles used did not exceed an inch in diameter: in later years they varied from four to nine inches. It was estimated that an eight-inch nozzle could throw 185,000 cubic feet of water in an hour at a velocity of one hundred and fifty feet per second.

While all forms of mining are likely to be more or less destructive to agriculture, the devastation wrought by hydraulic mining on a huge scale was wide and terrible. With placer and quartz mining the destruction was at least usually local, but hydraulic mining proved more disastrous to the whole country for hundreds of miles. The beds of the greater rivers, particularly the Sacramento, were raised to such an extent by the vast amounts of debris as to cause frequent floods, which deposited sand and clay over extensive areas of excellent agricultural lands.

Literally billions of tons of detritus were washed into the Yuba, Bear, and American rivers and their tributaries, filling their beds with boulders

and yellow mud, known as slickens. To this day there are great gaping wounds and unsightly scars in the lower Sierras, sometimes so deep and wide as to require a day's journey on horseback to make the circuit of a single wound. The winter rains suddenly turned the gentle streams into torrential rivers, and the extent of sheer erosion was almost incredible. The entire bed of the Sacramento River was raised several feet, precluding the possibility of summer navigation by any except light draft vessels; large deposits were carried to the straits of Carquinez, and shoals were formed in Suisun Bay.

During the winter of 1889-90 California was visited with floods scarcely less disastrous than the memorable flood of 1861-62. A rainfall of nearly forty-three inches was recorded for San Francisco previous to April 18, while at Boulder Creek, near Santa Cruz, the amazing total of one hundred and twenty-two inches was reached.

As was inevitable, the courts were invoked to decide whether the miners had the right to jeopardize the interests of the agriculturists. After prolonged and vexatious litigation, not unmixed with politics, and as a result of the federal injunction in the test case of Woodruff *vs.* The North Bloomfield, the hydraulic mines in the Sacramento and San Joaquin watersheds were finally closed down. It had been shown that a result of the well-known process was to injure the lands adjacent to the navigable streams below. Says Judge John F. Davis:

> The magnitude of the extent of hydraulic mining had been its undoing. The choking up of the overtaxed channels of the rivers, the covering up of valuable adjacent lands, and the injury to navigation brought all parties down upon the offending industry. . . . The bitter feeling engendered between the interests injured and the industry was so great that for some years no effort was made towards any rehabilitation of hydraulic mining.

On March 1, 1893, the California Debris Commission Act was approved, providing for the creation of a commission of three persons to be selected by the President and to exercise powers under the general direction of the Secretary of War. Hydraulic mining, which directly or indirectly injured the navigability of the river systems, was prohibited and declared unlawful.

Being empowered to determine the utility and practicability of sites for the storage of debris, with the thought of constructing impounding dams and reservoirs, provision was made for resuming hydraulic mining, under very severe limitations, after inspection and approval of the impounding dams. Shortly thereafter a number of mines resumed operation; but hydraulic mining in California on the gigantic scale of an earlier day will never again be witnessed.

Dredger mining is one of the latest methods of extracting gold from California soil. A great machine was built on a scow which was floated on an artificial pond fed by means of a ditch. A chain of heavy buckets brought up sand, rocks, and gravel from a considerable depth, separating the bed-rock underlying the gravel. The gold was washed from the

contents of the buckets and the refuse was sluiced to either side, rendering the soil a desolate waste. The huge dredger slowly advanced through the farm land and orchards of Butte County, "literally eating up the soil" as it proceeded. Dredger mining was practiced to a considerable extent during the early years of the present century, but has now been discontinued. By present day methods California has continued to produce approximately thirty per cent of the gold in the United States.

There is not space for a detailed discussion of the rich metallic resources of California. It must here suffice merely to settle the fact that besides gold, the State produces large quantities of silver, copper, lead, tungsten, and a number of other metals.

Of increasing importance is a long list of non-metallic resources, structural materials in particular. Saline products include borax, common salt, soda and potash; of industrial materials may be mentioned asbestos, clay, infusorial earth, silica, sulphur, and others; structural materials include asphalt, cement, lime, marble, and a variety of rock products. The cement produced in 1924 was valued at upwards of $23,000,000, ranking next to petroleum. It has already been noted that there are at present more than fifty mineral substances in California's commercial list.

Among all the varied mineral products of the State in recent years petroleum, the "black gold" that would have made the wealth of Croesus pale into insignificance, stands unique in its wizardry. Petroleum had been known to exist in certain localities for many years, even from the time of the early missionary padres. Asphaltum from La Brea beds near Los Angeles was used as roofing material, and natural seepages had been found at other points. Several early attempts to distil an illuminating oil were made without success. The great oil excitement of 1859-60 in eastern fields spread quickly to California. Within five years more than sixty companies were in the field, with not a little "frenzied finance" in the form of promotion schemes and sheer speculation. It is said that oil properties were exploited from Humboldt County to San Diego. In reporting that 40,000 to 50,000 gallons of petroleum had been produced in 1865 the San Francisco *Bulletin* (January 8, 1866) made bold to suggest the possibility that this might be "the forerunner of many millions which will, at some future time, lubricate the wheels of commerce and set a trade at work excelling in variety any that has thus far been known on this coast." However, the writer viewed with some skepticism the assumption of Professor Silliman "that California will be found to have more oil in its soil than all the whales in the Pacific Ocean!"

Because most of the early organizations were not bona fide companies, and because the limited scientific knowledge of the day pronounced the California product valueless, the feverish efforts of the '60s were quite uniformly unsuccessful and the first oil development period ended in practical failure.

Prospecting continued in various localities, and fake promoters were in many instances succeeded by conservative men reinforced by a scien-

tific point of view. Definite progress was made toward solving the problem of refinement. Few companies survived the period of readjustment, and in 1884 only four companies were producing oil in the State. The Pacific Coast Oil Company was organized in 1879 with C. N. Felton as president. This concern, which later sold out to the Standard Oil Company, had two refineries in 1882, located at Alameda Point and Newhall, respectively. The beginning of the present Union Oil Company dates from Lyman Stewart's modest investment in California oil properties in 1884. During the general period ending in the early nineties it was definitely known that oil existed in many sections of the State, but actual development was slow and was being maintained by a few relatively large companies.

Then in 1892 came the discovery of oil in Los Angeles; and within three years as many hundred wells were bored, presenting a strange, new sky-line of clumsily-constructed derricks. There was a speedy return of feverish excitement and speculation. In 1897 the Los Angeles field produced 1,400,000 barrels, and five years later the output of some 1,400 wells amounted to 9,000,000 barrels.

The increasing production and greater utilization of the product had the effect of stimulating further prospecting and the discovery of new fields. J. F. Elwood discovered oil in an ordinary well near Bakersfield in 1899, which in a short period of time attracted outside capitalists and promoters and resulted in the memorable Bakersfield boom. The production of this field rose to upwards of 4,000,000 barrels per year. In the meantime crude oil had been coming more and more into use as fuel, thus increasing the demand and expanding the market.

To meet the increasingly complex transportation problem tank cars were built by the railroads, pipe lines were constructed,—in some instances hundreds of miles long, with numerous laterals,—and each of the leading companies built fleets of tanker vessels to transport the oil to markets across the seas.

The story of the California oil production during the first quarter of the twentieth century reads like a highly fanciful romance. The 4,329,950 barrels of 1900 mounted to 77,697,568 barrels in 1910, while in 1923 the amazing total of 25,000,000 a month was reached. The total production for the year 1924 was valued at more than a quarter of a billion dollars, or nearly seventy per cent of the combined value of the State's complete mineral production. The producing fields of California are grouped in three main divisions: (1) Los Angeles basin, including Santa Fé Springs, Signal Hill, Huntington Beach, Whittier, Fullerton, Coyote Hills, Montebello, Richfield, Compton, Torrance, Salt Lake, Dominguez, Rosecrans-Athens, and Inglewood; (2) San Joaquin district, including Kern River, McKittrick, Midway-Sunset, Lost Hills-Belridge, Coalinga, Elk Hills, and Wheeler Ridge; (3) Coast fields, including Watsonville, Santa Maria, Ventura, Newhall, and Summerland.

MONTEBELLO OIL FIELD AND ORANGE GROVE

Conspicuous among pioneers in California oil development may be mentioned Lyman Stewart, founder and long-time president of the Union Oil Company, who has been called the "grand old man of western oil"; Edward L. Doheny, who by striking oil in 1893 entered upon perhaps the most romantic and spectacular career of all the world's oil magnates; and Capt. John Barneson, who "fathered" the General Petroleum Company and first promoted the use of fuel oil for steamships.

Great as has been and still is the mineral production of California, agriculture long since passed it in importance. Contrary to a popular belief in early mining days, conditions proved favorable to agricultural pursuits,—the weather is excellent, with a high percentage of sunshine

SIGNAL HILL OIL FIELD

and genial warmth; the proximity of ocean currents tempers the climate, tending to equalize the north and the south; fertile soil is to be found in vast areas and of all varieties.

In 1850 there were 872 ranches in the State, averaging 4,465 acres. While several great tracts were held intact for many years, the average farm by 1920 contained but 249 acres. Again, the value of farm land was less than $2 per acre in 1850, whereas in 1920 its average value was nearly $120 per acre.

There can be no doubt that the system of large land holdings that obtained in California, chiefly as a heritage from the prodigal Spanish and Mexican grants, was responsible for retarding the population of great areas of choice agricultural land. As late as the last decade of the nineteenth century it was found that "the holdings of one hundred proprietors in the Sacramento Valley aggregated 1,600,000 acres—an average

of 16,000 to the landlord." The monopolized condition of fertile agricultural lands, declared W. H. Mills, "has constituted the greatest barrier to the industrial and commercial progress of the State, and to its moral and material well-being." It was pointed out that this vicious system, which has been the occasion for much strife—not without bitterness—in California was largely due to the lack of a homestead policy honestly administered.

> "The rich alluvial land of California in the interior and Coast counties," says Mills, "would have been subdivided into 160-acre farms, and the full capabilities of the soil and the climate would have been wisely complied with in this pursuit of the manifold objects of cultivation. This would mean small orchards, small vineyards, small grain fields, and home production of dairy products, poultry, pork, beef, and mutton."

The system of large land holdings, which continued with remarkable persistence, inevitably induced a tendency toward servile labor. This "land monopoly" was held responsible, in no slight degree, for the Chinese invasion with its concomitant problems.

To be sure, subdivision did come at last,—though it can not be said to have completed its perfect work even yet. It was forced by economic conditions rather than political pressure,—chief ruling factors being the low price of wheat, the defertilization of large areas of soil, the development of irrigation, and the consequent more profitable intensive cultivation.

The first foundations of agriculture were laid by the Franciscan padres. When Serra and Galvez took care to include in the cargo of the first pioneers, in 1769, packages of seeds of vegetables and flowers of both the Old World and the New, the beginnings of agriculture were laid in Alta California; but the entire Spanish-Mexican régime may be called California's pastoral era. All through the "flush days" the development of agriculture was very backward. But from the beginning of the Civil War there was a generation of unprecedented agricultural expansion. The supremacy of the vast wheat ranches of the great central valley was clearly established. In 1889 California ranked second among all the states in wheat production. But even so, there was springing up in all parts of the State a wide diversity of agricultural and horticultural interests.

The early period of more or less exploitative farming methods was thus followed by what may be called the era of commercialization and reorganization, beginning about 1890. The business aspect of the farmer's activities has compelled attention both of the farmer himself and of the commonwealth. Farm products include hay, wheat, barley, oats, cotton, corn, rice, and other crops. Three conspicuous elements in the picture are bewildering variety of products, incredible magnitude of production, and ever-increasing application of science to agriculture and horticulture. The phenomenal development of irrigation in virtually every part of the State has played so conspicuous a part in enhancing values and increasing

production as to justify the slogan, "Irrigated Agriculture—the dominant industry of California."

A striking illustration of the truth of this sentiment is found in the story of cotton. Experiments were made with cotton in California as early as 1857. Samples were grown in Los Angeles County which were equal to the best Mississippi or Louisiana product. However, it did not attain a place of any commercial importance for many years afterward, chiefly because, like corn, it could not be successfully cultivated without irrigation.

In 1865 the total area planted to cotton in Kern and Los Angeles counties was only about 450 acres. Other experiments are recorded in Sacramento, Santa Barbara, Merced, Colusa, and other counties. In the early seventies approximately 2,000 acres of cotton were cultivated in the entire State, the ordinary yield ranging from 250 to 500 pounds per acre. In 1876 there appears to have been a considerable acreage in Merced County, it being reported that a firm of growers shipped 22,860 pounds to Liverpool.

With the reclamation of Imperial Valley, cotton production became an industry of importance in California as well as in Arizona. The first crop that was commercially successful was produced in 1909. Three years later the first American-Egyptian crop of any magnitude was produced, and soon cotton production won a high and permanent place in that new wonderland. The sensational development of recent years dates from 1918, when many farmers planted Pima cotton, which variety however proved to be less successful than the Acala—a superior type of short staple. In that year Imperial Valley harvested a record crop from 138,000 acres, demonstrating the triumph of cotton growing on the irrigated lands of the Southwest.

In 1920 the imports of cotton were abnormally large, as a consequence of which there came a sharp reaction, for the buying public was unable to pay the high prices demanded for cotton goods. The sudden and disastrous decline in prices meant heavy losses to the mills and factories that were left with large stocks of high-priced cotton on hand.

With the readjustment of prices and the restoration of confidence the cultivation of cotton was greatly expanded, though for some years it was virtually confined to Imperial and Riverside counties. Even as late as 1923 the acreage in San Joaquin Valley devoted to this crop was comparatively small: for the following year it was placed at 38,000 acres, and in 1925 it was conservatively estimated at 90,000 acres. The total production for the State for 1925 is given as 122,328 bales, (more than 58,000,000 pounds of fiber), as compared with 77,479 and 54,373 bales in 1924 and 1923, respectively. The quality of the product is distinctly superior and the yield per acre far in excess of that in the states of the old cotton belt of the South.

Thus the far-extended interior valley of California has assumed a rôle of genuine importance, fully recognized by bankers, railroad com-

panies, power companies, and merchants. Cotton production has ceased to be experimental,—it has even become a serious contender for first place among California's agricultural crops. The Acala variety matures an exceptionally good crop in the warmer districts of both the San Joaquin and Sacramento valleys. Present prospects point to a future production in excess of a half-million bales between the Sierra Nevadas and the Coast Range.

California's production of rice, chief of all cereal crops of the world, has come into prominence in recent years with startling suddenness. Although unsuccessful attempts at cultivation were made as early as 1860, it was not until 1912 that the first commercial crop was grown, when 70,000 bushels of rough rice were produced in the vicinity of Biggs.

The industry was greatly stimulated by the high war prices, the peak being reached in 1920, when 162,000 acres were planted. The growers met disaster that year, however, because of unprecedented off-season rains and the sudden drop of market value. Definite recovery is already indicated by the fact that the 1926 plantings aggregate upwards of 152,000 acres.

The principal rice producing areas are found in Colusa, Butte, Glenn, Yolo, and Sutter counties, all of which are located in the Sacramento Valley.

It was the Franciscan padres who introduced into this fair land the orange, lemon, pear, olive, and other fruit trees, as well as grapes and other vines. Nevertheless horticulture did not assume any considerable commercial importance for many years. Only gradually did the favorable conditions of soil and climate become understood and recognized. After years of doubt and incredulity—a handicap that was greatly increased by lack of transportation—the high percentage of sunshine, with its genial, fructifying warmth, came to be reckoned as one of the State's chief assets. Moreover it was observed that on account of the influence of ocean currents in the Pacific, there is but comparatively little difference in temperature between northern and southern California. While it might be supposed that oranges could be successfully grown only in southern California, it is now well known that orange groves flourish along portions of the Sacramento Valley as far north as Oroville, Chico, and Palermo.

California citrus fruit includes oranges of several varieties, lemons, and grapefruit. Regarded as a group, it ranks, with the various aspects of the grape industry, at the head of all the State's horticultural interests. Of the crops of individual fruit, the orange is by a considerable margin the most valuable. With the one exception of hay, the orange is the most valuable of all agricultural crops raised in California; yet there are at present only approximately 200,000 acres of bearing oranges.

Reference has elsewhere been made to the beginnings of the orange industry; but the story of the origin of the seedless orange known as the Washington Navel must now be briefly told. It is to Mrs. Eliza Tibbetts of Riverside that California is chiefly indebted for this great orange.

Robert Hornbeck, who claims to have been well acquainted with the facts, describes the circumstances in his book, *Roubidoux's Ranch in the '70s.* He says:

> About 1868 the United States Consul at Bahia, Brazil, reported that he had heard, through an American woman, of a very fine orange grown near there which was seedless. He afterward succeeded in getting some of the young trees and sent them to the Department of Agriculture at Washington. They were taken in hand by Professor Saunders, who budded other trees from them and succeeded in getting a dozen or so of good trees. . . . Mrs. Saunders suggested that a couple of the young navel trees budded in the orange house at Washington be sent to her old friend, Mrs. Tibbetts, at Riverside. This was done, the two trees arrived in 1873 and were planted at the little Tibbetts home. No one can remember that they received any attention from Mr. Tibbetts.
>
> Under this good woman's loving care the trees grew and throve. They bore a few oranges in the season of 1876, and so much interest was taken by the whole settlement, that quite a number of orange growers gathered . . . to test the first navel orange. It proved to be more than the Consul at Bahia had claimed for it.

The name Washington Navel was chosen "out of grateful remembrance to the city where it came from and the Father of his Country as well." When President Roosevelt visited Riverside in 1903, he replanted one of the original trees immediately in front of Glenwood Mission Inn, where it has stood through the succeeding years.

At the present time more than two-thirds of all the oranges produced in California are of this variety: during recent years, however, the planting of trees of the later-ripening Valencia variety has made relatively large gains. The orange groves have reached their greatest development in southern California, in the counties of Los Angeles, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara; although considerable acreage is found in Kern, Tulare, and Fresno counties, and even as far north as Butte County, in the upper Sacramento Valley.

The citrus industry as a whole has attained huge magnitude. The total returns to producers in the State from the orange crop of the season of 1924-25 were estimated at upwards of $9,000,000. During a single season more than 13,000 car loads of lemons were shipped. Grapefruit has never been a relatively large factor in the California citrus industry, something less than 1,000 car loads having been shipped during the season of 1923-24. In addition to the regular shipments of citrus fruits, increasing amounts are being absorbed in local markets and for valuable uses in making by-products. Much experimentation is being carried on with a view to more complete utilization of large quantities of what has been wasted materials. Also the consumption of fresh orange juice, as a wholesome and invigorating drink, has phenomenally increased during the last few years. In spite of the rapid expansion of the orange industry in Florida, the State of California produces considerably in excess of one-half of all the oranges consumed by the people of the United States; and

more than three-quarters of all the lemons consumed in this country and Canada are produced in California.

An indispensable agency in the enormous expansion of the citrus industry has been the operation of the California Fruit Growers Exchange, which is undoubtedly the most powerful as well as efficient cooperative fruit marketing association in the world. During the year 1924 the Exchange represented seventy-three per cent of the citrus fruit interests of the entire State. It has spent millions of dollars in its advertising campaigns to educate the public to consume the "Sunkist" brand of oranges, which has become a standard of quality everywhere.

The Washington Navel oranges, which have been for years the California staple, are a winter and early spring crop; while the Valencias, which have recently been planted quite extensively, ripen during the spring and summer months. Thus it may be said that the orange marketing season begins and ends in the month of October.

Despite the magnitude and importance of the California citrus industry, it would be inaccurate to convey the impression that it is free from difficulties and invariably prosperous to the grower. The "freeze" of 1913 is remembered with dread by many; the season of 1923-24 was beset with harassing difficulties induced by frost, cold dry winds, and drought, combining to reduce the size of the fruit and produce a large quantity of culls. Moreover the Florida shippers flooded the Eastern cities with large quantities of ungraded fruit in excess of what the market could absorb.

However, the California Fruit Growers' Exchange has staunchly upheld the standards so deservedly established, thus maintaining the high reputation for the California fruit, and it confidently expects to find a satisfactory solution for each perplexing problem as it arises.

The lemon industry has grown to such an extent that nearly all the American grown lemons now come from California. Santa Paula, in Ventura County, boasts of the largest lemon orchard in the world.

French prunes were introduced in 1854. This product, which for a long time was regarded as a plebeian among fruits, has come to occupy a preferred place because of its health-giving qualities. Almost all of the country's output is now from California and Oregon, Santa Clara Valley being recognized as the world's chief producer.

From the small beginnings of olive culture at the Franciscan missions, California now has approximately two million olive trees, the Sylmar Grove in San Fernando Valley alone containing 2,000 acres. California enjoys almost a complete monopoly of olive production in the United States.

By 1880 the settlers began to realize that it was possible to win profits from more intensive cultivation of small holdings as well as from growing wheat and other large-area field crops. Along with the development of the citrus industry should be mentioned the grape. In that year approximately 70,000 acres were in vineyards. Chief among pioneers in develop-

ing wine-making was Col. Agoston Haraszthy, a native of Hungary, who came to California in 1851. In 1890 viticulture was relatively an immense industry, representing a capitalization of $87,000,000 and more than 155,000 acres of vines. For 1924 the acreage was 260,000, with a valuation of $200,000,000.

The beginnings of the raisin industry antedate the Civil War; but as late as 1880 the production amounted to only 75,000 small boxes. Ten years later the output was 1,600,000 boxes, but the country remained a net importer until 1905. Since 1920, however, there has been an enormous yield, amounting annually to several hundred thousand tons.

The problem of marketing the raisin crop, like that of other important crops, was the occasion for the organization of growers. After several attempts a successful association was formed in 1912. Notwithstanding this new agency, however, the crop overtook the increasing demand soon after the World War. The efforts to maintain the price level for the 1920 crop resulted in heavy imports and a heavy carry-over, which had a serious effect upon the raisin industry.

After strenuous efforts reorganization was effected and the industry saved from impending disaster. Today "Sun-Maid Raisins" are known and used throughout the land and in several foreign countries. California enjoys a virtual monopoly of the raisin industry of the United States. The chief varieties of grapes for this purpose are the Muscat and Thompson's Seedless.

In horticultural production viewed as a whole, California has no rival in the United States, nor in the world. Even before the opening of the twentieth century, California's output of fruit was more than one-fifth of that of the nation. Referring to the progress of the State as far back as 1863, Governor Stanford said:

> From a state entirely at the mercy of others for the comforts and necessaries of life, we have risen to an independent position, and in some productions take precedence of all other states in their annual aggregate yield.

She has now achieved supremacy not only in oranges but also in lemons, citrons, olives, figs, almonds, walnuts, plums and prunes, grapes and raisins, peaches, nectarines, apricots, and pomegranates. Indeed, it is reported that at present California leads all other states in its output of twenty-five different products of the soil.

For more than a decade following the completion of the Central Pacific Railroad in 1869 the agricultural and horticultural development of the State, as well as that of industry generally, was almost wholly dependent upon the railroads. In the absence of this great means of transportation, which results in an indefinite expansion of the market, such thriving cities as Modesto, Fresno and Visalia could not have arisen, and the orange groves of Los Angeles, Riverside, and San Bernardino would have been impossible.

The dairy industry in California has reached amazing proportions. Its products are now valued at more than $100,000,000 a year,—a far cry from the days of the Spanish dons.

On the great ranches of Spanish and Mexican days little use was made of butter and milk, olive oil and wine being commonly used instead. The chief value of herds was in hides and tallow. It was not until the arrival of American settlers of the pre-forty-nine days that cattle in California came into any considerable use for dairying purposes.

By the early sixties there had developed about the San Francisco Bay district and in Humboldt County a considerable production of dairy products, and the State's output of butter for 1867 was about 6,000,000 pounds, while half as much cheese was produced.

It is in recent years that the industry has experienced phenomenal expansion, having been more than trebled in a period of twelve years. We quote from an excellent résumé in the *Monthly Review* of the Mercantile Trust Company of California:

> Conditions of dairying have changed greatly since those days. The dairy of the early eighties, often not too sanitary nor conveniently arranged, has been supplanted by the modern dairy farm where sanitation is the first consideration and where every possible labor-saving device and method is employed.
>
> The dairy industry in this state progressed rapidly after the introduction of the centrifugal cream separator and the silo. Conditions that made it possible to harvest many cuttings of alfalfa, recognized as the ideal forage for dairy cows, operate to the advantage of the dairymen of California.

For the decade ending in 1920 the amount realized from the sale of dairy products increased more than 175 per cent. These products are of wide distribution throughout the State, Stanislaus and Imperial counties being of special importance.

The principal product of the dairy industry is butter, although during the last decade the output of condensed milk and ice cream has increased at an even more rapid rate. Other products include market milk and cream, evaporated milk, cheese, milk powder, and casein; leading by-products are beef and veal.

Until near the end of the nineteenth century the greater part of California butter was made in the farmer's kitchen or crude milk cellar, or dairy house. With the development and perfecting of the cream separator dairying quickly became a great factory industry. For the year ending June 30, 1923, the production of butter amounted to 77,000,000 pounds, valued at $36,500,000. For the same period the value of market milk produced was placed at $33,000,000, not including certified and guaranteed milk amounting to $2,000,000 more.

A slogan in the dairy industry.—"breed, feed and weed."—has been a terse argument for pure-bred cows, for ample provision of feed of the best character, and for culling out the "boarders," or nonproductive cows. By systematic and persistent attention to these essentials, the dairy cows

of California, a large percentage of which are now pure-bred Holsteins and Jerseys, have come to produce quantities of milk far in excess of the average production in the country.

Prominent among the organized activities for the advancement of agriculture and practical farming is the Grange, or the Patrons of Husbandry. The Grange, which has been pronounced the greatest among farmers' fraternities, was organized in Washington, D. C., in 1867, and first introduced into California in 1870. The State Grange was organized at Napa in July, 1873, and J. W. A. Wright was chosen its first Master. "The Declaration of Principles" prepared by him came to be regarded as a classic in Grange literature.

Among the specific objects of the organization are the following:

> To establish cooperative systems of trade, thus bringing producers and consumers as near together as possible.
>
> To make arrangements for the purchase of farming implements . . . directly from the manufacturers.
>
> To obtain direct shipments on more favorable terms, and storage at lower rates; drawing upon their products advances at the lowest rates of interest.
>
> To gradual substitution of the cash for the credit system. . . .
>
> The eventual introduction of shipment in bulk.

The second annual convention was held in Stockton in 1874. Two years later two hundred and fifty-two local granges were reported in the State.

The early business ventures of the Grange proved generally unsuccessful: accordingly attention has during recent years been devoted mainly to educational, legislative, and social work. While distributed very unevenly over the State, it is nevertheless true that the Grange in California has wielded a very considerable influence. The National Grange held its annual convention in Sacramento in November, 1925.

Other organizations of farmers include the Farmers' Union and the Farm Bureau. The influence of the former appears to have been waning in recent years, and the work of the latter—largely influenced by the School of Agriculture of the University of California—has been coming into closer correlation with that of the Grange.

The so-called Delta district, which from time immemorial had been a great group of low-lying islands and swampy plains,—covered for most part with an almost impenetrable growth of tules,—has by protection from the threatening floods and modern reclamation been transformed into one of the most productive areas of the world. The conquest of the swamp has cost many a battle. Since the beginning of the twentieth century huge dredgers and immense pumps and siphons have been extensively used, resulting in stronger levees, deeper channels, and greater security.

The triangle lies within the fork caused by the junction of the Sacramento and San Joaquin rivers, and comprises in all more than 500,000 acres. The meandering rivers and sloughs are such that no product has to be transported more than a mile and a half from the field in order to reach navigable water, of which there is now approximately 1,000 miles.

The production of deciduous fruits has been increasing for more than a third of a century; and in recent years fabulous quantities of asparagus, spinach, celery, and other vegetables have been produced.

The Delta region has come to be known as the "Holland of America." The lower island district is now a gigantic vegetable garden, resembling a great series of checker-boards, connected with modern draw-bridges and intersected by good automobile roads. In some places marvelously straight rows of beautiful asparagus plants can be seen a mile and a half long.

The great central valley of California, lying between the Coast Range and the Sierra Nevadas, includes the Sacramento and the San Joaquin—two valleys in one. Sacramento City, about ninety miles distant from San Francisco, has for many years been capital of the State and county seat of the county that aptly calls itself the "Heart of California." Stockton is the chief center of the northern end of the San Joaquin Valley, and the first steps have been taken to bring ocean-going vessels to its very door. In the heart of the San Joaquin Valley is the City of Fresno, county seat of one of the most productive counties of the country, and raisin center of the world.

As the immense stretches of California's central valley during the Mexican régime were changed by the Americans from unfenced cattle ranges into far-extending fields of golden wheat, so the golden grain of one generation has given place to a bewildering array of products from field and orchard, vineyard and garden, made possible by the conservation and utilization of nature's prodigal gifts of water and power, coupled with an earnest industry and masterful toil of the men of California. And what has been achieved for the great valley has likewise been achieved for the lesser valleys and the hillsides in all parts of the State. In the development of her material resources California's record is a record of phenomenal achievement, unmatched in the annals of man.

For a long time the Pacific Coast, and particularly California, with an aggressive, rapidly increasing population, has been a favored market for Eastern manufacturers. The very natural situation has been enhanced by virtue of the phenomenal development of the Pacific states since the opening of the twentieth century. Arizona, for example, often regarded as a backward community, showed an increase of sixty-three per cent in its population for the single decade beginning in 1910.

Having due regard, therefore, to the important factors of distance and transportation costs, it has become increasingly clear that adequately to serve the great western area it was essential to establish vastly expanded facilities for local manufacturing of staple commodities as well as to make provision for their economical distribution. It was perceived that the sound prosperity of the country must in very large and increasing measure depend upon the development of its resources and in the manufacture of its raw materials into finished products ready for the consuming public. Therefore definite industrial expansion became a con-

scious goal of leading men of vision and of great organizations such as the chambers of commerce of the principal cities.

Moreover the claim that the future of American industry lies in the undeveloped markets of the populous Orient reinforced the argument that competition will not permit "the extra burden of a long haul across the United States," and that consequently the Oriental markets must be served from the Pacific Coast.

The development of manufacturing interests on a scale commensurate to present and future demands calls for an abundant supply of three indispensable factors,—water, power, and fuel. California is most fortunate in being able to point to an ultimate water supply in the high Sierras and other mountains, and even in the mighty Colorado River. Indissolubly coupled with the water supply are the stupendous sources of giant hydro-electric power, extending from Siskiyou to San Diego. As to fuel, scarcely any industrial area in the world is more generously served than favored centers in California,—for there are to be found the world's largest oil producing fields, directly connected by pipe line to the great industries. Natural gas is available in almost unlimited quantities.

Up to the present time, notwithstanding the abundance of certain natural resources, manufacturing in California has been considerably retarded by the necessity of securing the pig-iron supply and semi-finished materials from eastern centers at transportation costs that are almost prohibitive. This unfavorable condition, however, is rapidly changing with the opening of great stores of iron ore in Utah and coal and coke from Washington and Colorado. Indeed it is now known that one of the largest bodies of iron ore west of the Missouri River exists in Riverside County, California, and that wide-stretching areas of what have been regarded as waste places are in reality fabulously rich in stores of potential wealth.

CHAPTER XLVI

CULTURAL DEVELOPMENT

I. LITERATURE.

Many times has the question been asked, is there a California literature? To meet the requirements of an affirmative answer demands, as pointed out by George Wharton James, three distinctive qualities;—the author must be a Californian, though not necessarily a native; the literature must be about California, relate to California subjects, or depict distinctive scenes or conditions; and above all, it must possess the California spirit.

Ramona is our purest type of California fiction, yet Helen Hunt Jackson was born in Massachusetts; Bret Harte's stories breathe the spirit of early American California, yet the author was not a native; Joaquin Miller, "Poet of the Sierras," first saw the light in Indiana. Nevertheless it must be assumed that, other things being at all equal, Californians are the best qualified persons to produce California literature: if perchance they are not natives, they have by process of assimilation, by absorption of the intangible but potent spirit, become true Californians. This spirit, the animating purpose in writing, must permeate the author's work. A California writer, as Ella Sterling Mighels—"first historian of literary California"—has aptly said, is one who is born here or who is re-born here. The greatness and the wonder of California furnish a topic sufficiently worthy and amply important for the inspiration of a distinctive literature of grace and beauty. While without doubt the zeal of some has greatly exceeded their critical judgment, blinding them to defects and limitations, it is nevertheless true that California has a rich literary heritage, that there is indeed developing a worthy literature that is truly Californian.

California has been called the land of destiny, as revealed by the historic fulfillment of extravagant prophecy, by its peculiar isolation and unique environment, and by the sturdy pioneer basis of its Western civilization. California literature at its best shows the discipline of hardship, the virility of thought, the genius of achievement, the disregard of precedent, and the breadth of cosmopolitanism. It strives to express the manifest destiny of a providentially favored population.

> "The California Spirit," wrote James, "is that which feels this Historic Destiny, is permeated with the California environment of largeness and freedom, and is full of the life of the pioneers. This *local* spirit, therefore, is a world-moving force, a spirit which is to help

potently to renew the minds, transform the souls of the world. *This* is California's High Destiny. This spirit is enshrined in California's Literature. . . ."

Of whom did Charles S. Green sing (*Overland,* 1883) when he opined that the California poet could not be among the hosts of argonauts nor yet among the state builders that followed after?—

> But from her children one should rise ere long
> To give her mystic legends fitting lays,
> To make her birds and flowers known to fame,
> And match her mountains with his lofty song.

The different elements in the surging tide of early California's heterogeneous population, the blending of divergent factors into the swift current of history afford ample materials for the historian, the essayist, and the writer of fiction. In *Ramona* Mrs. Jackson, always a sympathetic friend among the old families as well as of the Indians, breathed the atmosphere of Spanish California and wrote what yet remains our one great novel. The pictures out of the old régime painted by Richard Henry Dana's *Two Years Before the Mast* are never to be forgotten,—worthy to be preserved alongside of Gertrude Atherton's *The Splendid Idle Forties.*

California's almost complete isolation from the rest of the world during the two decades preceding the completion of the Pacific Railroad afforded excellent opportunity for the literary expression of the pioneer spirit. Numerous books of travel and reminiscence, such as Bryant, *What I Saw in California* (1846-47); Colton, *Three Years in California* (1846-49); Robinson, *Life in California* (1846); Bayard Taylor, *El Dorado* (1849), and Borthwick, *The Gold Hunters* (1851-54), deserve to be cherished always both for their historical value and their literary flavor.

The first American newspaper of California was *The Californian,* which made its initial appearance at Monterey on August 15, 1846, under the editorship of Walter Colton, alcalde of the town. A few months later the *California Star* made its appearance; and in 1849 the *Alta California* came into the field, taking a place of real importance from the beginning. The first journal of literary pretension was the *Golden Era,* dating from 1852 and presenting contributions from many early writers. Other early magazines of noteworthy importance in the field of California literature were *The Pioneer,* beginning in January, 1854; *Hutchings' California Magazine,* from July, 1856, and *The Hesperion,* from September, 1858. Each of these was destined to have but a brief career; yet all are deserving of better attention than has been bestowed upon them at the hand of the historian as well as the literary critic.

More fully than any other of the literary periodicals of the State, the *Overland Monthly* has earned the right to be recognized as the typical magazine of California. When Anton Roman, a San Francisco publisher and book seller, decided to undertake the publication of a magazine devoted to the development of California and the great West,

he turned to Francis Bret Harte, whose writing had already attracted considerable attention and whose exacting literary ideals marked him as one in a multitude, as editor and guide. At first hesitant and beset with misgivings about the enterprise, Harte was reassured by promises of contributions from the best writers on the Coast, the consent of Noah Brooks and W. C. Bartlett to join him in an editorial board, and most of all by mutual agreements with Charles Warren Stoddard and Ina Donna Coolbrith: he therefore engaged to become "pilot of the new literary ship," whose name he himself suggested, and defended in his first editorial, July, 1868. The grizzly bear, also, associated with the *Overland* from the beginning, was suggested by Harte, who wrote:

> Take him if you please as the symbol of local primitive barbarism. He is crossing the track of the Pacific Railroad, and has paused a moment to look at the coming engine of civilization and progress—which moves like a good many other engines of civilization and progress with a prodigious shrieking and puffing—and apparently recognizes his rival and his doom.

With the first number of the new magazine "a new star had arisen in the literary heavens." There appeared the editor's delightful poem, "San Francisco From the Sea," opening with the memorable lines,

> Serene, indifferent to Fate,
> Thou sittest at the Western Gate;
> Upon thy heights so lately won
> Still plant the banners of the sun;
> Thou seest the white seas strike their tents,
> O warder of two Continents!

There likewise graced the pages of that first issue Miss Coolbrith's exquisite song, "In Blossom Time," with words of perennial charm:

> Then sing in the hedgerow green, O thrush,
> O skylark, sing in the blue,
> Sing loud, sing clear, that the King may hear,
> And my soul shall sing with you.

Yet even more outstanding was the second number, for in it appeared Bret Harte's immortal story, "The Luck of Roaring Camp." Next to the editor the most frequent contributors to early numbers were Stoddard and Ina Coolbrith. So steadfast was their cooperation and so constantly did their names appear together that some one referred to the three as the "Golden Gate Trinity," a title frequently used thereafter.

It is unnecessary to recount the changes and vicissitudes that have befallen the *Overland Monthly;* but withal it is gratifying to record that with the beginning of its eightieth volume, May, 1923, it entered upon its newest and latest phase, having absorbed the *Out West,* which as an intensely individualistic magazine had been the puissant and peculiar product of Charles F. Lummis of Los Angeles.

What the *Overland* has been among the monthly magazines of California, the *Argonaut* has been among weekly papers. This vigorous publication, admirably suited to the tastes of San Franciscans, was founded

in April, 1877, by Fred M. Somers and Frank M. Pixley. From the beginning it has maintained a virile editorial policy and a high standard of literary art. Frank Pixley—capitalist, lawyer, and politician as well as journalist—continued as editor for many years and was succeeded by Jerome A. Hart, who had already served as managing editor. When Hart retired the editorial responsibilities fell upon Alfred Holman, a newspaper man of long experience. In 1924 an attempt was made to combine with the *Argonaut* the *Saturday Night* of Los Angeles, under the editorship of Samuel T. Clover, who sought to cater to the tastes of both cities. The venture met with little success, however, and after some months of trial there was a re-parting of the ways; and the *Argonaut* is endeavoring once again to retrieve its traditions and its fortunes in the congenial soil of San Francisco.

Perhaps the most original and striking of California magazines that have any large historical significance was the *Land of Sunshine*, founded in Los Angeles in 1895 by Charles F. Lummis and proclaiming itself to be "The Magazine of California and the West." In 1902 the magazine was enlarged and its title changed to *Out West*. California was featured as the "Right Hand of the Continent." When Lummis relinquished his post the monthly fell on evil times, and after several suspensions and many vicissitudes, it was absorbed by the revived *Overland* in 1923.

Mention must be made of at least two other periodicals of literary pretension,—*The Californian*, an elaborately illustrated monthly magazine published in San Francisco, and edited by Charles Frederick Holder, and *Sunset Magazine*. The former was an ambitious magazine which had but a short career, its first number being dated December, 1891, and the final issue being that of April, 1894. Nevertheless the *Californian Illustrated Magazine* is deserving of an honorable place among Western periodicals. *Sunset* was for a number of years a promotion organ of the Southern Pacific Railroad, but more recently it has come to a place of independence and wide national circulation, devoting special attention to Western fiction and the development of the Pacific Slope.

Along with Bret Harte should be mentioned the inimitable Joaquin Miller (Cincinnatus Heine Miller), "Poet of the Sierras," whose treatment of the '49ers has served to immortalize the American argonauts and whose "Columbus" has taken rank with the great poems of literature. After a lingering illness he died in 1913, leaving "The Hights," high up in the Oakland hills, in the midst of his forest, "a worthy monument of the most picturesque figure in the life of literary California." But his truest monument lies in his unfading tribute to the pioneer.

> Commend me to the old Californian. I should say that an old gold hunter of '49, standing on a peak of the Sierras with the world behind him, storm-blown and beaten, yet with hands and heart open, unsullied by any sin of the populous world below, stands not far from God.
>
> We have worked our claims,
> We have spent our gold,

Our backs are astrand on the bars;
We are battered and old,
Yet at night we behold
Outcroppings of gold in the stars.

CHORUS:

Though battered and old,
Our hearts are bold;
Yet oft do we repine
For the days of old,
For the days of gold,
For the days of forty-nine.

Last of the three California writers who quickly attained world-wide fame was that incomparable humorist, Mark Twain (Samuel L. Clemens). California, however, can not lay exclusive claim to Mark Twain, although much of his best writing belongs to the Golden State and his first book is *The Celebrated Jumping Frog of Calevaras.*

The opening of the transcontinental railroad in 1869 ushered in a new era, which did not prove altogether conducive to the creation of good literature. The finest of the humorists—Ross Browne, Mark Twain, Dan de Quille, Sam Davis, Squibob—were rapidly passing. Robert Louis Stevenson wrote *The Silverado Squatters,* Frank Norris gave us *The Octopus,* and Jack London won fame for *The Call of the Wild* and many other stories. But it is safe to say the great California novel of the modern period has not yet been written.

Among the galaxy of poets a prominent place must be given to the name of Ina Coolbrith,—herself a pioneer,—who was designated poet laureate by act of the Legislature. Redolent of the finer California spirit, her exquisite verses have never been surpassed. Her "California" will ever be fresh and youthful, her meadow-larks will never cease to warble, "When the Grass Shall Cover Me" will endure throughout time. The appearance of "The Man With the Hoe" in more recent years brought instant recognition for Edwin Markham, who was acclaimed as "the poet of humanity." Besides several volumes of verse, he has written the volume in prose, *California the Wonderful.* Other California poets—to mention here but a few of the many—include Clarence Urmy, with his chaste *Vintage of Verse;* Herbert Bashford, who wrote "The Wolves of the Sea"; Madge Morris Wagner, and her "Lure of the Desert" and "Liberty Bell"; Carrie Stevens Walter, author of "Rose Ashes"; Fred Emerson Brooks, widely known poet-lecturer; John Vance Cheney, lover of books and poet-humorist, and Edwin Rowland Sill,—author of the exquisite lines of "The Hermitage,"—who may be regarded as California's purest lyric poet.

California has been a paradise for nature writers and lovers of the great out-of-doors. Joseph and John LeConte, brothers of mighty brain and great heart, in geology and the wider realms of science and education; John Muir, intimate friend and revealer of the glories of the California mountains; Mary Austin, author of *The Land of Little Rain* and

steadfast lover of the desert expanses; Charles F. Lummis, eccentric but brilliant author of *Land of Poco Tiempo* and vigorous editor of *Land of Sunshine* (later *Out West*) magazine; George Wharton James, in his voluminous works on nature's wonders; Galen Clark, "Father of Yosemite" and author of *Big Trees of California;* Charles Howard Shinn, whose *Mining Camps* has been equalled only by his monographs on forestry;—such is but a partial list of those who have found in California a never-failing source of inspiration to noble living and high literary expression.

Time and space would fail even to speak of John Steven McGroarty and *The Mission Play;* Charles Keeler and his poetry for children; Ambrose Bierce, "mighty censor of Californian journalism"; Charles Warren Stoddard, poetic lover of California even when far away; Thomas Fitch, silver-tongued orator and facile writer; Eliza A. Otis, with her rich gifts of poetry; Lillian Hinman Shuey, admirer and poet of the tall redwoods; Stewart Edward White, whose historical fiction has won for him a definite place in American literature, and a score of others to whom California has been as a benign mother.

The Story of the Files is a comprehensive review of Californian writers and literature issued under the auspices of the World's Fair Commission of California for the Columbian Exposition of 1893. The writer is Ella Sterling Cummins (now Mrs. Mighels), who as the posthumous daughter of an early pioneer, to use her own phrase, "was born in the mines, cradled in a gold-rocker, and grew up in a quartz mill." Her chief object was "to make, as nearly as possible, a record for reference, of the writers, large and small, who have been, or who have become identified with the State or coast."

> Beginning with the earliest journals and magazines, the desire is to represent the growth of our literature for the past forty years—and it is a remarkable exhibit—to record the names therein found of writers of verse—short story writers, novelists and journalists, each in his or her proper school.

The Story of the Files, already a rare book increasingly difficult to obtain, and the same author's *Literary California,* published in 1918, won for Mrs. Mighels at the hand of the State Legislature the official title of "Literary Historian of California."

Of the many California writers it may with truth be granted that not many have achieved first-magnitude reputation in the literary world; nevertheless it may justly be claimed that the intangible, undefinable, illusive spirit of California, which has subtly entered into the lives of writers and quickened and warmed their heart beats, has been striving to get itself expressed in a true California literature. If the mediocrity of much in Californian letters is pointed at, it may readily be answered back that they are still in the developmental stages, that thus far the necessities and materialities of life have absorbed the chief interest, and that present accomplishment affords a substantial basis for hope of greater

achievement as California becomes more firmly established as a literary center.

II. FINE ARTS.

Not only literature but the fine arts as well find in California abounding sources of new life and vigor. William Keith, whose work has been so closely identified with California, is representative of much that is finest in modern painting, particularly in landscape work. His canvases have profoundly influenced his fellow painters of the West; and he remains "the best known and most widely honored painter that California has produced." Other painters of California include J. Everett Stuart, master of the purple haze of sunset; Thomas Hill, pioneer painter of "The Driving of the Last Spike"; Harrison Fisher, sometimes called "the father of a thousand girls"; John Henry Breuer, Maynard Dixon, Perham Nahl, John H. Rich, T. Rosenthal, H. C. ("Bud") Fisher, and others equally famous. First among sculptors stands Gutzon Borglum, whose career was begun in San Francisco; others include Arthur Putnam, David Edstrom, Robert Aitkin, Julia Wendt, William Wendt, Douglas Tilden, Earl Cummings, and Joseph Mora. Arnold Genthe, doctor of philosophy from the University of Jena, was supreme master of the art of photography.

While numerous artists have brought unquestioned distinction to California, it can not yet be claimed that California has produced a distinctive art. This will have been achieved only when there shall be developed an art that is "characteristically Californian and at the same time universal."

In the field of music it must suffice to mention Dr. H. J. Stuart, whose long and illustrious career as composer and organist has brought pleasure to multitudes of music lovers in San Francisco and San Diego; Carrie Jacobs Bond, whose songs are now known around the world; Charles Wakefield Cadman, one of the most brilliant composers of our time, and illustrious singers like Emma Nevada, whose voice made her the idol of Paris; Sibyl Sanderson, one of the great opera singers of the later nineteenth century; Luisa Tetrazzini, brilliant coloratura soprano, who on a Christmas Eve sang at Lotta's Fountain, San Francisco, to an audience of a quarter of a million enthusiastic persons, and Madame Schumann-Heinck, whose marvelous contralto has been equalled in richness only by the breadth and symmetry of her beautifully fruitful life. Of the younger California singers who have achieved notable triumph in Metropolitan opera, Mario Chamlee, tenor, and Lawrence Tibbett, baritone, are outstanding examples.

The very best in the realm of music is more and more being made available to the people of California. By reason of the devotion and energetic leadership of lovers of classical music and a wide civic interest, the two metropolitan centers—San Francisco and Los Angeles—have enjoyed several seasons of the finest grand opera. The Los Angeles

Symphony Orchestra, assisted by the generous patronage of William A. Clark and directed by Walter Rothwell, has attained a degree of excellence comparable to the best in the country. Each summer since 1922 the world's best music is exquisitely rendered in the beautiful Hollywood Bowl under the masterful batons of the most renowned directors. Music finds deep inspiration in California.

Likewise the stage has found here many devotees. Madame Helena Modjeska, possessor of rare tragic powers, was at the summit of perfection in the rôles of Lady Macbeth, Ophelia, and Cleopatra. For two seasons she played as co-star with Edwin Booth. Maude Adams is said to have made her first appearance before the footlights when nine months old: she became the incomparable "Peter Pan"; but perhaps her most interesting performances were in the Greek Theater at the University of California. Distinguished play producers include David Belasco, greatest of them all; George Broadhurst, and Oliver Morosco. The most distinctive and original of all of California's contributions to the drama is the "Mission Play," by John Steven McGroarty, which has attracted many thousands of delighted persons to the playhouse at Mission San Gabriel.

While the motion picture industry, which has in recent years assumed such stupendous proportions in California,—centering chiefly in Hollywood,—is perhaps to be viewed as being primarily commercial in character, its artistic phases are by no means to be minimized, nor its educational aspect to be neglected. But a clearer evidence of the cultural tastes of the people is found in the generous patronage given to the impressive and deeply reverential dramatization of the Life of The Christ known as the "Pilgrimage Play," faultlessly rendered each summer under the starlit skies of Hollywood.

III. EDUCATION.

While here and there individuals under the old régime undoubtedly showed the qualities of genuine culture and a high degree of refinement, the California of the Spanish and Mexican days was almost entirely without regular schools. But scarcely had the American conquest become a reality when the pioneer settlers began to clamor and to plan for educational opportunities for their children. Schools sprang up with remarkable rapidity. The builders of the commonwealth made definite provision for the support of elementary education and projected plans looking to the establishment of a State university. Although far from the centers of culture, the American pioneers of California "had not forgotten the early precepts of their ancestors,"—they remembered that the founations of their freedom rested upon a diffused intelligence among the people. As a result of generous public support and private benefaction, California today enjoys the inestimable blessings of an unsurpassed system of educational institutions from the kindergarten to the university.

With the coming of a large number of American settlers in the summer of 1846 and the American conquest a virtual reality, it was per-

CAMPANILE, UNIVERSITY OF CALIFORNIA

ceived by discerning minds that the English language must speedily become prevalent in California and that schools would be needed for the increasing numbers of children. But it will be readily understood that conditions in California from the time when Sloat raised the American flag at Monterey on July 7, 1846, to the organization of the State government in the autumn of 1849 were far from propitious for the rapid or consistent development of schools either public or private.

A private school was opened in San Francisco in April, 1847, by a Mr. Marston, described as "a poorly educated Mormon", who taught about twenty pupils in a shanty west of Dupont Street. Marston's school was not long-lived, however, and we can easily excuse the teacher for joining the eager throngs hastening to the diggings after the gold discovery. On September 24, 1847, the town council of San Francisco appointed a committee consisting of William A. Leidesdorff, William S. Clark, and William Glover, to take measures for the establishment of a public school. A school house was accordingly erected on Portsmouth Square, which was given the name "Public Institute"; and on April 3, 1848, the school was opened with Thomas Douglas, a graduate of Yale College, at a salary of $1,000 a year. It was sponsored by the Baptist Church, and can hardly be regarded as a public school.

In 1849 John C. Pelton arrived from Boston and with his wife opened a school in San Francisco on the New England plan. This was taken over by the city in April, 1850, and may thus be regarded as the first free public school of the city. The Peltons received the munificent salary of $500 a month—typical of the gold excitement—conducting the school for a period of about two years. For a long time Pelton, true pioneer in education, was a familiar figure as he went up and down the State of California, worthy to be gratefully remembered, with John Swett, as a public benefactor. In September, 1851, San Francisco was provided with a city superintendent of schools and a regular board of education.

As State Superintendent of Public Instruction John Swett was instrumental in securing in 1865 and 1866 the adoption by the Legislature of a State school tax of one-half mill on the dollar as well as an increase in the county and district school taxes. His yeomen service in behalf of a generously supported public school system will always continue "a rich heritage to the citizenship of California."

Through the persistent efforts of Superintendent of Public Instruction Alfred Hyatt during the years 1906-1918 and of Will C. Wood, Hyatt's successor, ably assisted by numerous county and city superintendents and the great army of loyal teachers, the public school system of California has come to occupy an enviable position in the eyes of the entire country and is today surpassed by none in excellence or public service. During the last generation the growth and expansion of the high schools has been truly phenomenal, and at present the junior college movement is gaining momentum yearly.

The first institutions of collegiate grade to be founded in the State were result of Christian sacrifice and devotion. At an educational convention in San José, January 6-7, 1851, held in compliance with the call of the Reverend Isaac Owen, it was decided to found "a Seminary of learning in this State under the patronage and control of the Methodist Episcopal Church." The name first decided upon was California Wesleyan University, and the first charter was dated July 10, 1851. Santa Clara was selected as the most suitable location. At the request of the executive committee the name was changed by legislative act in 1852 to University of the Pacific. Among the principal founders, in addition to Owen, were Edward Bannister, Myron C. Briggs, and Charles Maclay. The Female Seminary was organized in 1853, and the collegiate department was opened the following year. In 1858 the first class to receive the honors of collegiate degrees in California graduated from the University of the Pacific.

In 1870 the institution was moved to a new campus at College Park, about midway between Santa Clara and San José. With it was consolidated in 1896 Napa College, which was then discontinued as a separate school. The University of the Pacific, later changed to College of the Pacific, continued its work of higher education at College Park until 1924, when it was moved to a new site near Stockton, where it has entered upon its latest phase of development under conditions full of promise.

Santa Clara College, which is under the control of the Roman Catholic Church, was likewise founded in 1851, though it was not incorporated until several years later. Still later its name was changed to Santa Clara University, and for many years it has been one of the strongest Catholic schools in the West.

The University of California, while not actually organized till 1868, was in a true sense contemplated from the time of the Constitutional Convention in Monterey in 1849. The Reverend Samuel H. Willey, Chaplain of the convention, may be regarded as one of the chief founders. Henry Durant came to California in 1853 with the purpose of founding a university: as a result a school was organized in Oakland called the College School, and in 1855 the College of California was incorporated with Durant and Willey among the trustees. The college, which was under Congregational control, opened its doors in 1860, when a freshman class of eight applied for admission. In 1867 the property of the College of California was formally conveyed to representatives of the State to become the University of California, and on March 23, 1868, the University was formally created when Governor Haight affixed his signature to the bill. The presidency was first offered to General George B. McClellan, who declined. Daniel C. Gilman was elected, but he likewise declined. Henry Durant then was made first president, serving for two years, when Gilman accepted the presidency, serving from 1872 to 1875, when he resigned to become the first president of Johns Hopkins Uni-

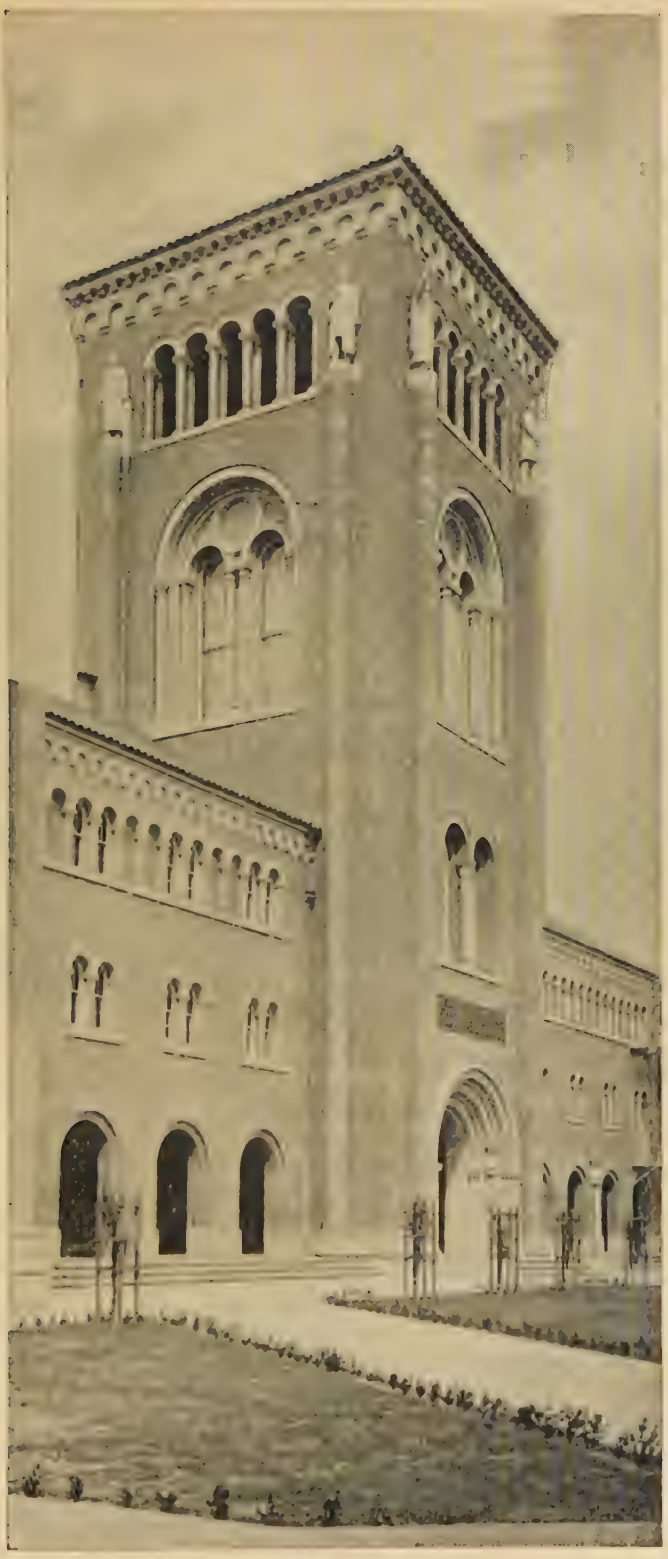
versity at Baltimore. He was succeeded at Berkeley by John LeConte, who in turn was followed by other presidents—notably Benjamin Ide Wheeler—to the present encumbent, William W. Campbell.

The University of California, located on a campus unsurpassed in beauty, has become one of the largest and strongest universities in the world. Through the development of its varied activities it has made its influence felt in many lines throughout the State. It has had a marked effect upon the marvelously developing system of California high schools. In 1919 the State Normal School at Los Angeles became by legislative act

LIBRARY, UNIVERSITY OF CALIFORNIA

the University of California, Southern Branch, which has since developed a regular four-year college curriculum; and in 1925 the Board of Regents selected a beautiful new site near Beverly Hills for the upbuilding of a great campus to serve the needs of southern California.

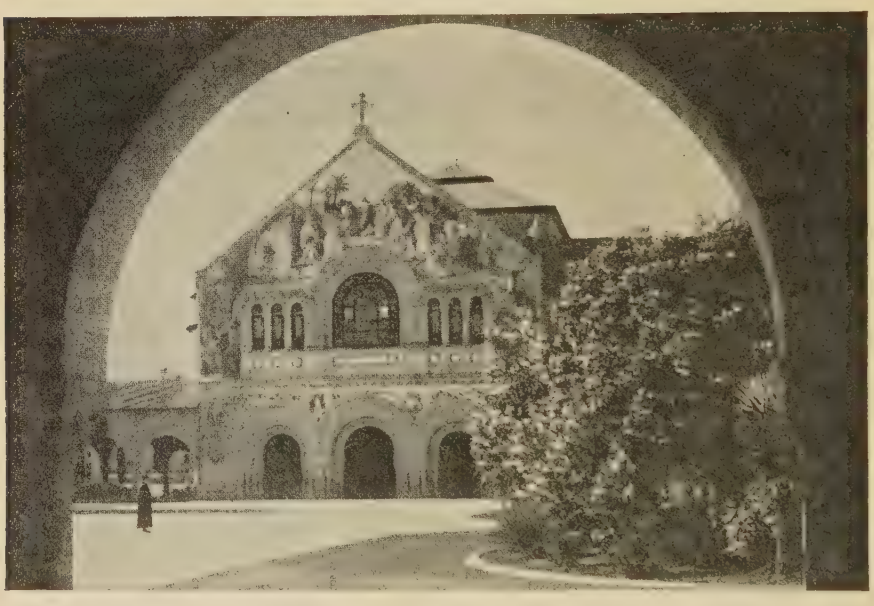
The University of Southern California, located in the city of Los Angeles adjacent to Exposition Park, was founded in 1880 under the auspices of the Methodist Episcopal Church. It is at present the largest institution of higher learning in the entire Southwest, having an annual total enrollment in excess of 10,000 students. Other institutions in the south include Pomona College at Claremont, Occidental College at Los Angeles, Whittier College, University of Redlands, and several others.



TOWER, UNIVERSITY OF SOUTHERN CALIFORNIA

Leland Stanford Junior University was founded on a spacious campus near Palo Alto by Senator Stanford in 1890 as a memorial to his only son, who died in early youth. The avowed purpose was "to qualify students for personal success and direct usefulness in life." The rich benefactions of Senator Stanford were greatly supplemented, after his death, by his widow, Mrs. Jane Stanford, who will always be remembered as one of the greatest philanthropists among California women.

Mills College, situated in the suburbs of Oakland, has come to occupy a high rank among women's colleges of the country. Its accomplished



CHAPEL, LELAND STANFORD UNIVERSITY

president, Doctor Aurelia Reinhart, is recognized as a leader among American women educators. California Institute of Technology, in Pasadena, formerly Throop Polytechnic Institute, has during recent years won a unique reputation for researches in chemistry and physics. It was for his remarkable studies in the intricacies of the atom that Doctor William Millikan was awarded the Nobel Prize in 1923.

Public normal schools, for the preparation of teachers and the advancement of the teaching profession, were established at various points in the State, beginning with that at San José (1862), and including Los Angeles, San Francisco, San Diego, Chico, Fresno, Santa Barbara, and Eureka. By act of the Legislature the State normal schools (with the exception of Los Angeles) became State teachers' colleges in 1921, the

Department of Education succeeding to the powers of the boards of trustees of the respective schools, and Superintendent of Public Instruction Will C. Wood becoming *ex officio* Director of Education in the State.

It is impossible even to mention many other educational institutions of specialized types found within the borders of California. Some of these are state supported, others are private schools; some deal chiefly with cultural subjects, others are in the main vocational. All are intended to make life richer and better and to advance the common civilization.

Closely akin to the educational institutions of the State in certain phases of their activity are numerous fraternal, civic, and service organizations. Of these the most distinctively Californian is the Order of Native Sons of the Golden West, with its counterpart, Native Daughters of the Golden West.

The Order of Native Sons of the Golden West was founded by General Albert M. Winn, a native of Virginia and California pioneer of 1849, and was the "outgrowth of an assemblage of native-born boys called together by General Winn to participate in the 1875 Fourth of July parade in San Francisco." From the small beginning of a meeting in the parlor of one of the boys' houses (July 11, 1875), it has become a state-wide organization with subordinate "parlors" in all important centers, these being subject to the Grand Parlor.

"The Order of Native Sons of the Golden West", says Clarence M. Hunt, editor of its official organ *(Grizzly Bear)*, "was founded upon patriotism. It teaches loyalty to nation and to State, in times of peace as well as in times of war, and inculcates reverence for the history of California and for the men and women who laid the foundation of the State. It is recorded that in the World War this Order had more members in active service, in proportion to total membership, than did any other fraternal organization. The record is accounted for by the fact that it not alone preaches patriotism, but is the only fraternal organization made up entirely of American-born citizens."

Far from being an organization of selfish purpose, as has sometimes been charged, the Order insists that while native Californians are not better than citizens born elsewhere, they owe a special loyalty to their State. Much has been done in preserving and restoring historic landmarks, in erecting monuments and placing appropriately inscribed tablets to the memory of notable pioneers, and in presenting beautiful American and State flags in the schools of California.

Along with the Native Daughters of the Golden West, the Native Sons maintain a home-finding agency for orphans and homeless children. Through this means more than 3,000 homeless children have been received into California's best families. Each year the Order appropriates $3,000 to foster research in Pacific Coast history in connection with the University of California. Through this fund fellows in history are enabled to study

in foreign archives and collect material bearing on California's early history.

The Order of Native Daughters of the Golden West is a true counterpart of the men's organization, and together they have made a distinct contribution to the civilization and the spirit of unity in California.

IV. RELIGION.

It remains to speak of one other fundamental element in the cultural development of California, namely religion. Religion is not only the needful concomitant of civics and politics;—Christianity is the inspiration of true culture, the very heart of modern civilization. The universality of religion among tribes and peoples reveals it as a potent cementing, motivating, and uplifting force in human society. No substitute has ever been found for humble worship of the Great Father of all being; there is no moral equivalent for spiritual religion.

The religious phase of Hispanic California history has become a familiar topic. Indeed the domination of the Franciscan Missions sometimes tends to obscure other phases and to impair the perspective of the picture as a whole. On the other hand, little attention has been given by the general historian to the religious aspects of the American history of California, particularly the earlier period. It might easily be inferred that the uncouth trapper, the rough and ready settler, and the avaracious gold hunter were distinctly irreligious, or given over to mammon worship. But such an inference is not warranted by the facts.

As already pointed out in an earlier chapter, the typical westerner was characterized by an unshakable religious faith. Indeed this faith in an all-wise Providence was the only factor that sustained many a footsore and weary traveler when beset with difficulties and dangers that were otherwise too great to bear. Jedediah Strong Smith, worthy to be gratefully remembered as "Pathfinder of the Sierras," like the best of his contemporaries and many worthy successors, was a devoted Christian gentleman who "made religion an active principle from the duties of which nothing could seduce him." Walter Colton, first American alcalde of Monterey, was a Christian minister who mingled his religion with his official and private life to the advantage of both and to the benefit of his constituency. The constitutional convention of 1849 recognized the mandates of religion by requesting the Reverend Samuel H. Willey (Protestant) and the Reverend Padre Antonio Ramirez (Catholic) as chaplains to officiate on alternate days and by admitting them to the privileged seats of the house.

It must be conceded that multitudes of the California pioneers yielded to the allurements of time and circumstances, and forgot God: it will not be denied that the great majority of the rank and file sadly neglected the formal acts of worship and the formularies of religion. Nevertheless he is but a superficial observer who discovers nothing but avarice and

wickedness and vice among the pioneer population of California. If on the surface unhallowed strife appeared to prevail, there was wonderful coöperation and frank democracy beneath. Even when vice was admittedly all too common in San Francisco, the citizens at least possessed one virtue—even though a negative one—as pointed out in the *Annals: "They* are not hypocrites, who pretend to high qualities which they do not possess." There were always conspicuous examples of men who sternly resisted the strong tide toward immorality and irreligion; many more responded to the Christian appeals of strong men of God like William Taylor, Albert Williams, John D. Lang, T. Dwight Hunt, Isaac Owen, and J. L. Ver Mehr.

The first Protestant Church in California was organized by Messrs. Woodbridge and Williams (Presbyterians) in Benicia on the 15th of April, 1849, and about a month later the First Presbyterian Church of San Francisco was organized. In the meantime the General Conference of the Methodist Episcopal Church had in 1848 set apart California and Oregon as a mission conference, over which the Reverend William Roberts presided. The Methodists organized the first Protestant Church in the mines, with the Reverend Elihu Anthony as pastor. A typical event that occurred in connection with raising a fund for traveling expenses was the contribution amounting to twenty dollars' worth of gold in a package inscribed, "to the man from Oregon, who was not afraid to speak out what he believes to be true."

Various Protestant denominations were active in organizing and promoting their work in the rapidly growing centers of population in California and even in the sparsely settled country districts; while the Roman Catholics were likewise diligent under the leadership of the Archbishop. Among Protestants aggressive work was done from the earliest years of the American period by Methodists, Presbyterians, Congregationalists, Baptists, Episcopalians, Disciples, and others. The Unitarians also had considerable influence.

In 1860 there were twenty-nine Protestant church organizations in San Francisco, with twenty-two Sunday Schools in which religious instruction was given to about 2,300 children. By 1876 the number of churches had increased to sixty, most of them being in a flourishing condition.

After the secularization of the Franciscan Missions by order of the Mexican government, and the diversion of the Pious Fund from the channels of the church, the Catholic priests were indeed poor and very inadequately supported. Rapid rehabilitation of the church, however, followed after the first excitment of the gold days. St. Francis Church in San Francisco was organized by Anthony Langlois in 1849, and the following year Joseph S. Alemany, a priest of exceptional ability and wide influence, was appointed Bishop of Monterey. He was transferred to San Francisco, where in 1853 he was made Archbishop. By the year 1875 the fifteen priests of a quarter of a century before had increased to

three bishops and 121 priests, while the communicants had increased from 15,000 in 1850 to 200,000, and numerous educational and charitable institutions had been established and were being maintained.

While it is obviously impossible to present a roll-call of the great religious leaders of California, it is at least justifiable to pay tribute to them as a class and single out a few who were conspicuous for their ability and devotion to their high calling. Thomas Starr King, Unitarian preacher, actually lived in the State less than four years: yet such was his consuming passion for the holy cause of the American Union and the torrent of his eloquence that after his death his portrait was suspended in the State Capitol bearing the inscription, "The man whose matchless oratory saved California to the Union." Arriving in San Francisco in 1860 he quickly identified himself with the best interests of the people. At the outbreak of the Civil War he took up the cause of the Union; but his splendid services were much broader than his pulpit ministrations. Visiting different sections of the State he kindled the fires of patriotism everywhere: it is to Starr King, more than to any other man, that is due the credit of placing California first for her princely contributions to the United States Sanitary Commission. Thus did California gold nobly contribute to assist in preserving the Union.

Among the cohorts of Methodist preachers none was more staunch or true than Myron C. Briggs. As a founder and early president of the University of the Pacific, as fearless editor of the *California Christian Advocate,* as patriotic champion of the Union cause, and as faithful pastor of many devoted flocks, his uncompromising righteousness made him a terror to the evil-doer, his civic idealism gave him access to hearts and purposes of right-minded citizens. He was physically, intellectually and spritually broad-shouldered and robust, fit representative of California's best.

R. Guy McClellan in his *History of the Golden State,* published in 1876 pays this well-deserved tribute to the early Christian ministers:

> The people of California have been peculiarly favored in having in the ministry, from the earliest period of American possession to the present time, a large class of those whose example, influence, fidelity, virtue, and sterling labors for the promotion of their fellow-men have endeared their names in the memory of thousands, and who did eminent service to their adopted State, their country, and religion.

While it would be palpably unjust to single out individuals for special notice among the many conspicuous religious leaders of the past generation, it must at least be gratefully recorded that in the cultural development of California from the beginning until now the faithful preaching and teaching and ministrations of devoted men of God have supplied an indispensable element among the leading factors that have conspired to elevate the plane of human living and exalt the higher spiritual realities in the commonwealth.

CHAPTER XLVII

CALIFORNIA, ONE AND INDIVISIBLE

From the beginning of its existence as a commonwealth California has experienced recurring periods of restlessness or active agitation on the subject of dividing the State. Indeed, the antagonism between northern and southern California, in certain phases at least, antedates by many years the period of the American conquest.

First of all, there came the separation into Alta California and Baja California, the spiritual conquest of the former being entrusted to the Franciscans, and of the latter to the Dominicans. Nevertheless, during virtually the entire period of the Spanish régime there was but one territory, though with plural name,—Las Californias,—and the seat of administration was maintained with fair consistency at Monterey.

One of the early Mexican governors (Echeandia) took up his official residence at San Diego, thereby deeply offending the politicians of Monterey. The demand that the governor should reside at Monterey gave plausability to the claims of Augustín Zamorano, who promptly announced himself as governor. After certain warlike gestures, the issue was compromised by a division of California into two territories:—Echeandia's dominions extended northward to San Gabriel, and Zamorano's claims reached southward to San Fernando. This agreement was of slight duration, the territories being re-united by Figueroa, and Monterey being restored as capital.

In 1835 the Mexican Congress decreed that Los Angeles should be raised to the dignity of a city and made capital of the two Californias. The Alvarado Revolution of 1836 quickly followed, however, resulting for a time in "The Free State of Alta California." San Diego joined Los Angeles in opposing the plan to make Monterey capital; and thus again were North and South arrayed against each other. It was not long, however, before Alvarado gained complete ascendancy, winning official recognition as Mexican governor, and re-establishing official residence at Monterey.

Let it suffice here to add that the feud between the *arribanos* and the *abajenos* (uppers and lowers) was only finally forgotten in the presence of the common enemy, *los Americanos*. In the words of Mr. J. M. Guinn:

> For twenty years the internecine strife between the North and the South had existed. Three times the territory had been rent asunder by the warring factions. For ten years Los Angeles had struggled to become

CAPITOL BUILDING, SACRAMENTO

> the capital. It had won, but the victory was dearly bought, and it was but half a victory at best. The archives remained at Monterey. The standing army of the territory, if it could be called an army, was stationed there and there Castro, the military comandante, resided.

We now come to the American period, with which this chapter is primarily concerned. That the state division controversy has from the beginning been worthy of more than merely incidental mention in any history of California is well illustrated by a statement made in 1880 by John G. Downey, who served as Governor from 1860 to 1862:

> From the morning of our existence as a commonwealth, the southern counties of this state have been uneasy and restless under the lash of unequal taxation and the unequal distribution of the benefits derivable therefrom.
>
> The matter occupied the deep consideration of the members of the first constitutional convention at Monterey, in 1849, and the members from the southern counties only yielded a reluctant assent to the formation of a state government when they obtained a declaration that taxation should be "equal and uniform throughout the state."
>
> How unfairly this guarantee has been carried out will be made manifest by the persistent attempts to free ourselves from the unnatural geographical and economical relations with the central and northern portions of the state.

The plan of William M. Gwin in the Constitution Convention of 1849 to make the crest of the Rocky Mountains the eastern boundary, thus forming such a large state as to bring about subsequent division by an east-and-west line, has been discussed in an earlier chapter.

While the national slavery issue undoubtedly had a bearing upon some of the early efforts to bring about a division of California, the dominant factor was usually some phase of local sectionalism, arising out of conditions peculiar to the areas involved. Before the gold discovery, California was almost exclusively pastoral and agricultural and the preponderance of population was to be found in the south. The on-coming of the gold hunters suddenly shifted the centers of population to the north, where mining became the dominant interest. The southern Californians, mostly Hispano-Californians, had little liking for the new conditions, preferring to be left to the enjoyment of their wide-spreading estates. There was a natural divergence, therefore, between the two sections, "one an old, Mexican, sparsely settled, land-owning community, the other a new and numerous mining people, who leased their lands."

In the first Constitutional Convention the southern delegation was completely overshadowed by the north. Delegates from the old settled portions were opposed to the immediate formation of a state government. "They were afraid of the newcomers," wrote Mr. Gwin, "who formed a vast majority of the voting population." Carrillo, a prominent native Californian, perceiving that a great majority appeared to favor a State Government, proposed—

> that the country should be divided by running a line west from San Luis Obispo, so that all north of that line might have a State Government, and all south thereof a Territorial Government.

The six delegates present from the extreme south voted against the resolution to form a state government, which nevertheless was carried by a large majority.

The reason for the southern opposition to early statehood was brought out in the debates, and has been thus stated by Doctor William H. Ellison:

> The native land-holding class felt that the representation should be on a basis that would take into consideration the permanence of their interests and the transitoriness of those of the population in the San Joaquin and Sacramento valleys. They saw the difference between a settled, landholding class and a transitory population, and believed that injustice could easily be done the permanent class. The issue was even clearer when the subject of taxation was being discussed. It was revealed by this discussion that the people in the south had feared from the first that a state government would bear heavily upon them, and that they doubtless wanted a territorial government, under which taxation would not be a burden.

In 1850 the Mormons from the State of Deseret proposed a new constitutional convention which should provide for the temporary inclusion of the Salt Lake region, with the plan for subsequent division. Scant consideration was given to the Mormon delegation, and the request was promptly tabled.

Notwithstanding the southern element had been completely outvoted in the Constitutional Convention, separate conventions and meetings were held in 1850 and 1851 at Los Angeles, Santa Barbara, and San Diego. On September 12, 1851, a special meeting of the citizens of Los Angeles County was held in the interest of separate organization for southern California. A representative committee was appointed to draft an address in relation to a proposed convention, "with a view of effecting the speedy formation of a Territorial Government for the Southern Counties of California." Excerpts from this address will clearly reveal the widely-prevalent feeling of dissatisfaction:

> It is our aim to set forth in detail the grounds of this momentous enterprise in which the southern counties are engaged, with an entire unanimity. Such a movement can not be mistaken for the temporary ebulition of party excitement, that may be counteracted and checked, by another party antagonism; nor need it be supposed that the enthusiasm everywhere displayed in its behalf is to die away with its first efforts. *No!* The manifestation of the Public Will, already made, are truly the voice of one people, feeling deeply in their inmost heart a common evil that is attributable to one sole cause and has no other remedy than the one now sought and which must continue to be prayed and struggled for by all peaceable and constitutional means, until Justice shall triumph in its glorious accomplishment. There is little to please in the reflection, nevertheless it is the plain truth, that whatever of good the experiment of a State government may have otherwise led to in California, for us, the Southern Counties, it has proven only a splendid failure. The bitter fruits of it no county has felt more keenly than Los Angeles. With all her immense and varied and natural resources, her political, social and pecuniary condition at this moment is deplorable in the extreme; her industries paralyzed under the insupportable burden of taxation; her port almost forsaken by commerce;

her surplus products of no value on account of the enormous price of freights; her capital flying to other climes; a sense of the utter insecurity of property pervading all classes and everything tending to fasten upon her, in the guise of legislation, a state of actual oppression which will soon exhaust the energies of a population that deserves a better fate.

As with Los Angeles, so it is in various degrees with our sister counties. . . . A prey to incessant Indian depredations from without and destitute of internal protection for our lives and property, under laws applicable to our wants, and the character of the population and withal a continued and ruinous taxation impending over us, our future is gloomy indeed as a community if we shall fail in this appeal to our brethren of the North, for the only redress consonant with our national interests—a *separation,* friendly and peaceful, but still complete, leaving the North and South respectively to fulfil their grand destinies under systems of laws suited to each. A melancholy experience, now of sufficient duration, coming home to every man in the South, has produced the wide-spread conviction in which the present movement originated. We claim for it the purest motives which Patriotsm and Philanthropy dictates.

The time has arrived for prompt, firm and decisive action. Let each friend of the cause faithfully do his duty and we promise a fortunate consummation of our dearest wishes. True to ourselves, we shall have no reason to complain of the Legislature of California, nor the Congress of the United States.

We are respectfully your Obedient Servants.

(Signed) Augustin Olvera, Lewis Grainger, Pio Pico, John O. Wheeler, Benj. Hayes, José Antonio Carrillo, J. Lancaster Brent (Committee)

In the meantime it should be noted that there were early attempts in Congress to divide California. A chief proponent of the project was Senator Foote, who during the struggle for California's admission favored admission of only that portion lying north of 36° 30′. Persistent efforts were put forth and numerous proposals were made looking to division; but all failed to carry, and the bill admitting the new State with boundaries as originally proposed finally won congressional approval. It is obvious that the movement in Congress for division was part and parcel of the dominant national issue—the slavery question.

During the first decade of statehood the question of division came up in some form in nearly every session of the Legislature. Specific reasons for the creation of a separate state or states included the following: (1) the very extent of territory, with dissimilarity of resources, was deemed too great for a single state; (2) the former inhabitants of California, now largely confined to the south, were not sufficiently acquainted with American institutions; (3) the expenses of the state government necessarily bore heavily upon landholders, who in some cases were threatened with ruin, while no commensurate benefits accrued to them; (4) the stable—though relatively sparse—population of the south was virtually under the political domination of the more transient population of the north; (5) the distance from the southern centers to the northern capital imposed a heavy burden on the south and greatly discommoded the people.

In addition to these local considerations, there was always, running in the minds of certain pro-slavery men of whom Gwin was the most prominent, the hope that a new state on the Pacific might be made a field for slavery extension, or bring about the accession of two Southern senators to restore the balance of power in national political circles.

Few would now deny that the southern part of the State really suffered injustice during the first years of statehood. A number of persons migrated to Mexico in order to escape the oppressive taxation of the state government. The feeling was widespread that in matters of current legislation the wishes of the southerners were not consulted and their interests were largely ignored. They complained that they were no better treated than step-children,—"more like a conquered province than as a free and independent state."

After a series of local meetings, each looking toward a general convention, involving impracticable considerations and misunderstanding, which remind one of the provisional government meetings preceding the Monterey Convention of 1849, a convention finally met at Santa Barbara on October 20, 1851, and continued in session four days. Practically all of the delegates were from Los Angeles, San Diego, and Santa Barbara: many were of Spanish origin, two had married Spanish wives. The convention urged the dissolution of the political union, which was held to be—

> . . . in contradiction to the eternal ordinances of nature, who herself had marked with an unerring hand the natural bounds between the great gold regions of the northern and internal sections of the state and the rich and agricultural valleys of the south.

It expressed the desire for the formation of the southern counties into a territorial government, "under the paternal guardianship of the General Government."

There can be no doubt that many individuals residing in the south sincerely desired a new State or Territory; but association with Gwin and other pro-slavery leaders of national aspiration caused the northern part of California to see "an attempt to add more slave territory to that already existing rather than to endeavor to escape heavy taxation." Moreover, there was adverse comment in the East, where the idea was current that California had forced a way into the Union against bitter opposition; hence true patriotism dictated that southern Californians should remain in the State,—disruption, indeed, might prove fatal to the Union.

Issues raised in the Santa Barbara convention could only be settled in the State Legislature. Accordingly, attempts were made in the sessions of 1852 and 1853 to provide for calling a constitutional convention to revise the State Constitution, since it appeared that a general convention would be necessary before legal separation could be effected. In his message to the Legislature in 1852, Governor McDougal clearly recognized the unsatisfactory conditions obtaining, pointing out that taxation was "equal and uniform throughout the State" only in a legal sense, since the combined agricultural counties, with a population less than 80,000,

paid into the treasury during the preceding year upwards of $246,000, while the mining counties, with a population of nearly 120,000, paid less than $22,000. Some southern citizens, he continued, were actually forced to alienate portions of their land and sacrifice many head of their cattle to meet the burden; and worst of all, "the cords of amity between the sections were being broken."

The recommendation that a convention be called, "either to greatly reduce the limits of the state" or to authorize special legislation, was vigorously discussed both in and out of the Legislature. The measure passed in the Assembly, but—perhaps on account of the injection of the slavery question—was finally rejected by the Senate.

Again in the Legislature of 1853 a bill was introduced recommending the calling of a constitutional convention. This passed the Assembly without difficulty, but met serious opposition in the Senate. While division of the State at some future time was admittedly probable,—and regarded even desirable,—immediate division was held by the majority report to be inimical to the development of the south and was likely to lower the world's esteem for the Pacific Coast. Public opinion was divided, likewise the press,—with the balance probably against the measure. The religious press stood generally opposed to state division, largely because of the possible introduction of slavery. Near the close of the debate in the Legislature Mr. Hubbs proposed a vote on the question of dividing California into three states, "El Dorado" (the south), "California" (middle), and "Sacramento" (north). This proposal was speedily rejected, and the following day the original measure was lost for lack of the necessary two-thirds majority.

While the subject of state division continued to be agitated during 1853 and 1854 in certain quarters, it was not till 1855 that it again came prominently before the Legislature. Jefferson Hunt, assemblyman from San Bernardino, introduced a bill for the creation out of the territory of the State of California of a new state to be called "Columbia," which was to embrace the territory included in the counties of Santa Cruz, Santa Clara, San Joaquin, Calevaras, Amador, Tuolumne, Stanislaus, Mariposa, Tulare, Monterey, Santa Barbara, San Luis Obispo, Los Angeles, San Bernardino, and San Diego, together with the coast islands. On April 4 the committee reported a substitute measure providing for the creation of three states out of California.

The discussion revealed but little real opposition to some form of state division, but did show serious difference of opinion as to questions of constitutionality. Moreover slavery and the negro question would not down, though any connection between the two issues was vigorously disclaimed. At any rate, the Legislature adjourned before state division received any adequate consideration in the Senate.

During the legislative session of 1856 the question received only listless attention: it was virtually crowded off the docket by the big issues of that memorable year,—the split in the Democratic Party, the ascend-

ancy of the Know-Nothings, and the intense struggle for the United States senatorship.

In April, 1858, resolutions were introduced in the Legislature by Senator Andres Pico, representing Los Angeles, San Bernardino and San Diego counties, looking toward the formation of a Territory from that part of California situated south of 35° 45′. This request was based upon the usual considerations of differences between south and north in climate, soil, and production, as well as dissimilarity in language and customs and the great distance between the two sections. Pico's resolutions were not pressed at the time, however, because it was urged that a general discussion at that late date would interfere with the legislative work of the session.

Next comes the year 1859, memorable in the State division controversy. In early February, Pico introduced resolutions in the Assembly favoring segregation of the southern portion of the State from the more populous north and the creation from the segregated area of the "Territory of Colorado." In the proposed Act the desired boundaries of the new Territory were described as—

> all of that part, or portion of the present territory of this State, lying all south of a line drawn eastward from the west boundary of the State along the sixth standard of parallel south of the Mount Diablo meridian, east to the summit of the Coast Range; thence southerly, following said summit to the seventh standard parallel; thence due east, on said standard parallel to its intersection with the northwest boundary of Los Angeles county; thence northeast along said boundary, to the eastern boundary of the State, including the counties of San Luis Obispo, Santa Barbara, Los Angeles, San Diego, San Bernardino, and a part of Buena Vista [a part of Tulare, later Kern County.]

Section 2 provided for submitting the question to a vote of the electors of the portion sought to be segregated at the next general election, and in the event of a favorable vote of two-thirds majority, the Secretary of State was to send a certified copy of the Act together with the result to the President of the United States and to the senators and representatives in Congress.

As was to be expected, the discussion of the bill revealed considerable bitterness. At that time there were in California sharply defined Lecompton and Anti-Lecompton parties. The Lecomptonites had been successful in the elections: hence there was in the Legislature a strong pro-slavery sentiment. There were those who did not hesitate to charge that the proposed division was but "a revival of the old scheme to cut the State in half and bring in the southern part into the Union as a slave state." The *Sacramento Union* was particularly bitter in its denunciation of the measure. On the other hand, the majority report of the special committee, on the basis of reasons consistently and repeatedly advanced, fully endorsed the expediency of the measure, without expressing any opinion, however, on the subject of its constitutionality.

While this measure was under discussion, another bill was introduced proposing to allow "the citizens of the State of California residing north

of the fortieth degree of north latitude to withdraw from the State of California and organize a separate government." The area affected included Siskiyou, Del Norte, Klamath, Humboldt, Trinity, Shasta, Plumas and Tehama counties. Nothing came of this rather grotesque proposal, which seems to have been presented as a possible checkmate on the more serious demand of the southern members.

On March 25 the Pico Bill passed the Assembly by a vote of 33 to 25; about three weeks later it passed the Senate by a vote of 15 to 12. All members of the Legislature from southern California voted for the bill. On April 19 it received the approval of Governor John B. Weller, who submitted to a vote of the people of the affected districts the question of dismemberment. The election, which was held in September, brought out a total vote of scarcely 3,300, being in favor of division nearly three to one.

The next step was to bring the matter before Congress. Accordingly the new Governor, Milton S. Latham, in January, 1860, just before resigning the governorship to take his position as United States Senator, sent a communication to President Buchanan in which he advanced an argument for the constitutionality of the proceedings. In his letter he stated that—

> . . . the origin of this Act is to be found in the dissatisfaction of the mass of people, in the southern counties in this State, with the expenses of State Government. They are an agricultural people, thinly scattered over a large extent of country. They complain that the taxes upon their land and cattle are ruinous—entirely disproportioned to the taxes collected in the mining regions; that the policy of the State, hitherto having been to exempt mining claims from taxation, and the mining population being migratory in its character, and hence contributing but little to the State revenue in proportion to their population, they are unjustly burdened; and that there is no remedy, save in a separation from the other portion of the State. In short, that the union of southern and northern California is unnatural.

It was pointed out, however, that the people of the State at large were against the measure, and that the people being the proper judges upon that point, "the measure must be deemed, for the present, at least, impolitic."

Both houses of the State Legislature adopted a resolution to carry out the provisions of the Act of 1859;—it remained only for the national Congress to ratify the action of the State. Before final action could be secured at Washington, the whole country had become deeply agitated over the vital issues of secession and impending conflict: thus the measure failed to receive serious attention in Congress, and thus California narrowly escaped state division.

It may be of some academic interest to inquire as to the status of the Act of 1859—which has never been repealed—after the lapse of these many years. One prominent attorney of Los Angeles, Robert N. Bulla, who has served two terms in the State Senate, has thus expressed himself:

> I believe that there is no inhibition contained in the Federal Constitution against the creation of a new state from within the boundaries of one already existing, and that if the Statute of 1859 is still in force, the only thing legally necessary to secure the division of the State of California is the consent of Congress . . . My own conclusion is that the said Act is still in full force and effect.

Viewing the question practically, however, and calling to mind the widely changed conditions that obtain at present as compared to those of two-thirds of a century ago, it would seem to be safe to aver that in any future consideration of State division there is not even a remote prospect that the Act of 1859 will ever be invoked.

For nearly two decades the question quietly slumbered. In the late seventies it was mildly revived, as certain Los Angeles papers brought it before the public. But slight significance attached to the movement till the year 1881. As a result of some agitation a mass meeting was held in February of that year, which adopted resolutions approving State division and authorizing the appointment of a legal committee of nine attorneys. This committee reported that the Act of 1859 was still in force and that Congress was competent to admit the new State.

The call was issued for a special convention of southern California delegates in Los Angeles for September, to take further action. While Los Angeles County was well represented, few delegates were in evidence from other southern counties. It was complained that Los Angeles wanted to be the capital of the prospective State of "Southern California," and planned to monopolize the offices. On the whole the sentiment favored division, but there was little enthusiasm outside of the Los Angeles delegation, and, the movement being deemed inopportune, nothing further was done.

New impetus was given the subject in 1885, when the State Board of Equalization raised the assessment of Los Angeles County,—an act claimed by some to be a part of a conspiracy to check eastern immigration to southern California. The most persistent of all the causes of the dissatisfaction in the south has been the alleged injustice with which that section has been treated by the north in matters of assessment and taxation.

In 1888 General William Vandever, Congressman from the Sixth California District, introduced a bill proposing to divide the State and create the State of "Southern California." This bill was never reported out of committee. During that same year another State Division Convention was held, the subject threatening for a time to become serious; but the revival of interest was without result.

That the political leaders took cognizance of the question—though by no means always favorable to State division—is illustrated by the following declaration made by the Democratic Convention of 1890:

> The Democratic Party of California declares itself unalterably opposed to all schemes having for their object the division of the State of California, and pledges itself to maintain this great Commonwealth, brought into the American Union by Democratic statesmanship, undivided in its greatness.

In 1909 State division flared up anew and with great vigor in Los Angeles, assuming a more serious aspect than at any time since the Civil War. The State Board of Equalization included two southern members but was controlled by the three members from north of Tehachapi. The horizontal advance of forty per cent in the assessed valuation of Los Angeles County aroused intense indignation in the minds of certain citizens, and as a result a meeting of protest was held at the call of the Los Angeles Realty Board. This meeting was presided over by George N. Black and was addressed by several speakers who seemed to take delight in excoriating the three northern members of the Board of Equalization. A long series of resolutions were adopted, including the following:

> *Whereas,* the entire course of conduct pursued in this matter by the majority of the State Equalizers has demonstrated conclusively that the injustice of which we complain was premeditated:
>
> Therefore, be it resolved by the citizens and taxpayers of Los Angeles County in mass meeting, that we earnestly protest against this action.
>
> Resolved, that we feel that the men guilty of perpetrating this outrage have added fuel to the flame of sectional animosity, thereby crystallizing into an issue of the first magnitude the question of State division.
>
> Resolved that we demand of the Legislature of this State a readjustment of the equalization districts on the basis of the distribution of assessed valuation, thereby giving to Southern California an equal half of the membership of the State Board of Equalization.

Several speakers raised their voices against division, among them being Percy H. Clark, who declared it would be but a short time before "the biggest portion of the population will be in Southern California. Then we can bring the capital down here and locate it where we please."

Nevertheless the division sentiment strongly predominated, and delegates were named to plan for a later conference. A single paragraph from an editorial in the *Los Angeles Express* will serve to illustrate the pitch of excitement that prevailed in the minds of southern divisionists:

> Southern California has reached a crisis in her history. Recent events have demonstrated that her safety, security and progress demand the division of the state. Otherwise each act of injustice will but lead to another, each discrimination to greater discriminaton, and every tyranny to larger tyrannies. If we tamely submit to the outrage heaped on the Southern section of the State by the board of equalization, we shall find ourselves the victims of injustices even more outrageous. Let us have done with speech and prepare for action.

But it would be a serious mistake to imagine that extreme sentiment obtained among the people generally. As a matter of fact, the question was of lively interest to a small minority of the citizens of southern California. And the *Los Angeles Times* pointed out that under conditions of aroused sentiment, "it is always well to sleep upon the matter and not permit ourselves to be carried away by passion instead of reason." Continuing, it said:

> We are smarting under the injustice inflicted upon us. Our blood is hot and our minds excited, and if a campaign is opened at this time for division of the State it will be acrimonious and in every way detrimental to our business interests. Whatever is done in the end would better be let go over for a more convenient season.

For some time during the autumn of 1909 the discussion continued. There was a revival of the historical aspects of the controversy, there was debate on the constitutional phases, there was rehearsal of all manner of reasons for and against State division. It was of no assistance to the waning cause of southern divisionists when another plan was put forward at the northern end of the State for the creation of a new State of "Siskiyou", to embrace Del Norte, Humboldt, Trinity, Siskiyou, Tehama, Modoc, and Lassen counties of California, together with the seven southernmost counties of Oregon. Let it suffice to say this project was never taken very seriously,—perhaps one of its principal effects was to speed the whole question of State division on its way towards forgetfulness. So strong was the opposition in northern California and so lacking in unanimity was the movement in the south that the matter was finally dropped.

A recent outcropping of the ancient and traditional feud between the *arribenos* (uppers) and *abajenos* (lowers) was seen following the autumn election of 1914, when southern Californians were charged by a few representatives of the "free spirit" of the north with revealing a dangerous proclivity for prohibition and other measures which, they held, were "bad for business and keep capital out of the State." Los Angeles was charged with being composed of Easterners and not true Californians. Here and there a newspaper lashed itself into mild fury in the fear that the inhabitants of the southland might endanger the "free spirit of California," and so there was again talk of State division abroad in the land.

This time, however, the north was the aggressor, and it was solemnly proposed that the eight southern counties,—Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, Imperial,—should be cut off entirely and thus that the State should be divided at the Tehachapi. Initiative petitions were to be circulated, bringing before the voters of California the question of amending that section of the Constitution relating to boundaries so as to exclude the eight southern counties. When it appeared that the movement might take on serious proportions, during the early months of 1915, it was urged by at least one southern writer that a counter petition should at once be circulated providing for a line of division that would include, in addition to the counties proposed in the northern petition, four additional counties,—San Luis Obispo, Kern, Inyo, and Mono,

> the two latter so that the Los Angeles Aqueduct and its sources of supply shall not be inadvertently left out of the new state, and the two former because by right of physical configuration, business associations, climatic conditions and products, they belong to this section.

The agitation of 1915, however, attained very slight momentum,—it was rather a mere flurry than a sustained and definite movement, and the only new reasons for division appearing at the time, while somewhat naïve and picturesque, were generally regarded as quite preposterous.

On one pretense or another the ghost of State division has appeared

biennially with the recurring sessions of the Legislature; but the very frequency of the appearance has greatly reduced the fear of consequences. Most latterly there has been more or less desultory talk of division because of the failure to arrive at a satisfactory solution of legislative reapportionment based on the 1920 census, the south setting up the contention that it has not been accorded the recognition demanded by its rapidly growing population in the matter of senatorial and assembly districts.

In concluding this chapter it will be appropriate to pass under rapid review the principal considerations that have, with considerable persistency and at times with much energy, been urged for the division of California, and in rebuttal of such contention, and finally to make brief reference to the forces that have militated against division and now uphold the unity of the commonwealth.

One of the strongest arguments for division is that based upon nature and the natural forces. The State is very large geographically, with more or less sharply-defined mountain walls between north and south; there are marked climatic differences; the longitudinal distances are very great, interposing serious handicaps in travel and transportaion:— repeatedly has it been urged that the present boundary is lacking in unity— that nature herself decreed division.

Resting upon the forces of nature the diverse interests of north and south have been pointed out from the early gold days to our own time. Occupationally—so it is said—Californians have been as two peoples, unnaturally held together within the bounds of a single commonwealth, while the diversity in the characters of the two populations has been scarcely less marked.

Politically, great gain has been seen in division. Two or three states where now there is one would be represented at Washington by four or six senators instead of two and by added numbers in the House of Representatives. Southern California would have its own capital, make its own laws, and administer its own affairs instead of being subjected to the inconvenience and the injustice of an absentee rule that has on many an occasion been a disturbing factor in the past.

Tradition itself records a spirit of rivalry—frequently bordering on separation—between north and south, that antedates statehood in California. This age-long feud, always maintained in a spirit of levity, now and again assuming graver mien, has been symptomatic of a subjective division that—it is said—might well be given objective reality.

If then, as a prominent writer has said, "California *is* divided," as a result of natural, occupational, political, and traditional factors, why not consummate the legal recognition of the fact? Why not avail ourselves of the advantages of a new and additional state?

The very fact that California has endured without division or separation for three-quarters of a century suggests to the thoughtful that there have always been powerful elements making for unity. While it cannot

be said that California is a unit topographically, there is nevertheless much in our geographical and other physical features that constitutes a marked degree of unity.

Our long, comparatively unbroken sea-board presents a striking contrast to that along the Atlantic or of the west coast of Europe; our mountain ranges stretch virtually the entire length of the State; and, considering the great distance from north to south, California is to a remarkable extent a climatic unit. By selecting points of varying altitudes and distances from the coast, locations of comparatively even rainfall may be indicated over the length of the State. Even the flora and fauna show wonderful unity in variety. The California poppy is found from Oregon to Mexico.

Occupationally the different sections have been drawing rapidly together. To be sure there was a time when mining was the dominant interest of the north and agriculture of the south. The '49 tradition was exceedingly strong in San Francisco, and Los Angeles was dubbed the "Queen of the Cow Counties." All this has been radically transformed by a conspiracy of forces,—exhaustion of mines, increase of population, irrigation both north and south with consequent intensive farming and horticulture, the rise of the petroleum industry, phenomenal development of manufacturing and expansion of foreign trade, the changed methods of transportaion and communication, and corollary factors. If for a time the need for irrigation was more obvious in southern California, its benefits are now likewise clearly perceived in central California and even in the extreme north. Commerce of incredible volume has sprung up in the south, particularly at Los Angeles Harbor; while the citrus industry has attained very significant magnitude in certain sections of central and northern California. Great power lines now extend the length and breadth of the State: the marvelous advances of modern science have made it possible to use power generated in the Shasta region along the lower Colorado River. The great railway net has been supplemented by the most wonderful highway system in the world, and the automobile has become a powerful promoter of unity, while the navigation of the air is now well begun. Journeyings to and fro that once consumed days and almost weeks are readily accomplished in scant hours of time.

Such a transformation of industry must necessarily reflect itself in political conditions. The integration of business and commerce and the annihilation of distance tend to destroy ancient political differences and resolve problems that once were serious. To be sure, two or three states where now California is would insure larger numerical representation in the United States Senate from the Pacific Coast, but this representation would not be California's! Consolidation is the watchword of the day, not disintegration. If in looking backward there appear in our history reasons for the division of the State and the setting up of a new government, reflection upon the changed conditions of today and a

thought for the unfolding drama of the future will impress one with the conclusion that those reasons have lost their cogency and are no longer convincing. Already the course of history has proven William M. Gwin a false prophet when, in advocacy of the larger boundary of California he thus expressed himself before the Constitutional Convention in 1849:

> If we include territory enough for several States, it is competent for the people and the State of California to divide it hereafter. . . . So far as I am concerned, I should like to see six States fronting on the Pacific in California. I want the additional power in the Congress of the United States of twelve Senators instead of four. . . . And the past history of our country, sir, developes the fact that we will have State upon State here—probably as many as on the Atlantic side—and as we accumulate States we accumulate strength; our institutions become more powerful to do good and not to do evil. I have no doubt the time will come when we will have twenty States this side of the Rocky Mountains. I want the power, sir, and the population. When the population comes, they will require that this State shall be divided.

H. W. Halleck proved the better seer when in 1851 he advised against division. In a letter to Pablo de la Guerra he wrote:

> For God's sake don't commit yourself to the state separation. California will rue the day she ever seriously enters into the question, or I am no prophet.

The history of the controversy for State division in California is an interesting story, of many chapters; but now it is as a tale that is told. The forces that make for unity have triumphed. Having survived many a struggle,—sometimes serious but oftener merely ephemeral,—unified, loyal California, majestic and puissant, sees on her horizon no ominous cloud threatening division. On the contrary, the very forces that seemed to make for feud and separation,—physical, occupational, political,—have become cementing bonds of unity.

And still more potent than these is the irresistible force of tradition; and chief among the cherishers of the tradition of unity are the legions of native sons and native daughters. These are lovers of the whole great State of California, and great is their faith in her high destiny. If physical unity were unattainable, if occupational divergence were fixed and permanent, if political anomalies were incorrigible, it is doubtful whether the logic of division could overcome the momentum of the spirit and tradition of unity in a hundred years: but when geography and climate itself become the hand-maids of unity, when the conscious interdependence of north and south in industry and commerce binds the sections ever more firmly together, when the common problems of the Empire State of the Pacific bespeak the strength of unity,—then the heritage of a loyal people, the tradition that binds as with hooks of steel, give full assurance of a Commonwealth fronting the Pacific and the future with the strength of union,—California, one and indivisible!

CHAPTER XLVIII

CALIFORNIA, CHILD OF DESTINY*

California has been called the child of Spain. She might better be called the offspring of the ages. The world has conspired to bring forth California;—nevertheless she is intensely American, the fondling of "Manifest Destiny."

It is now 383 years since Alta California was discovered by Cabrillo, and 156 years since permanent entrance was made by Junipero Serra and Gaspar de Portolá. September 9, 1925, marked the seventy-fifth anniversary of California's admission into the great sisterhood of American States. This is the year of Diamond Jubilee.

In his inspiring book, *The Power of Ideals in American History,* Professor Ephraim D. Adams gives prominent place to Manifest Destiny. His well-seasoned discussion of "the great ideals that have animated our national conduct and moulded our destiny" has proved most timely.

An early decree of Manifest Destiny, a potent factor of Jacksonian democracy, though fraught with far wider import, was that the great West should some time become an integral part of the domain of the United States. The early explorations and settlements of the vast trans-Appalachian regions, it is true, were made chiefly by the French and the Spanish, whose titles to the land remained undisputed for generations: it is true, the Pacific was three thousand miles from the original states along the Atlantic.

But there began with the very beginning of American history a westward expansion of the Anglo-Saxon race which, from ascending the rivers and penetrating the innermost recesses of the bays in the delusive hope of reaching the Pacific through the mysterious Straits of Anian, was destined to continue until the far West should come in contact with the far East.

When Franklin presented his famous Albany Plan for the union of the colonies, he was looking forward to an America of vast population; he prophesied that in less than a century the great trans-Alleghany country would become "a populous and powerful dominion." Washington seemed to catch a true vision of the West, being deeply impressed while yet a youth by the magnitude and potentiality of that wide-stretching, unexplored domain. Wolfe's capture of Quebec, in 1759, opened to our fathers a North and a West indefinitely great. Green, the English his-

*Acknowledgment is made to Silver, Burdett & Co., for permission to use excerpts from the final chapter of my *California the Golden* (1911).

torian, says, "With the triumph of Wolfe on the Heights of Abraham began the history of the United States." The great western stake for whose possession France and England had been playing for two generations by this momentous victory fell irretrievably to the Anglo-Saxon. "The expulsion of the French from Canada," wrote Lecky, "made it possible for the Americans to dispense with English protection."

France's humiliation was made complete when Napoleon Bonaparte "lightly offered the province that had come to him so cheaply," and ceded all Louisiana to the United States. This has been called the most brilliant episode of Jefferson's administration, although in itself a transaction quite repugnant to Jeffersonian principles of strict construction.

Our jealous interest in the great Oregon territory dates from the memorable expedition of Meriwether Lewis and William Clark; our claims were greatly strengthened by the diplomacy of John Quincy Adams, who secured the Spanish renunciation of all claims north of the forty-second parallel of latitude.

During the period beginning about 1830 the ideal of Manifest Destiny came to affect American history in a powerful manner. The belief in a continent-wide country seemed to be crystallizing into a conviction, the people seemed to sense the success of the democratic principle, whose corollaries were power on the one hand and freedom on the other. Not yet, however, had democracy come to mean the abolition of slavery.

The first great epoch of our country's territorial expansion had been completed; yet the national boundaries seemed far from satisfactory. Nothing like perfect geographic unity had been attained: Oregon was so remote from the national capital as to make it seem to many scarcely worth a dispute; Texas and Spanish California would be required to bring about anything approaching complete geographic unity. Notwithstanding Spanish possession in the Southwest and the claims or covetous desires of Russia, France, and England, Manifest Destiny seems to have decreed that the prize—California—should eventually fall to the United States.

The passionate patriotism of American leaders implanted in the minds of citizens "an implicit faith, which acted upon them with the force of some deep religious conviction, in the unbounded future of the American nation." Professor Robert G. Cleland continues:

> The expansion of the United States to the Pacific, the establishment of continent-wide boundaries, the absorption of California, the development of untold natural wealth that lay idle and neglected, the control of Oriental trade—this was the program that Manifest Destiny enjoined upon the American people in 1840.

Desire for slavery extension was made an occasion for the accession of California: paradoxically enough, the nemesis of history decreed that to California slavery extension was to owe its downfall. Jackson's policy of forcible annexation, beginning with his scheme for Texas, quickly culminated, under Polk, in the Mexican War and the seizure of Texas for

the purpose of extending slavery. The conquest of California was an act in the drama of our war with Mexico. Was not this an inviting field for the introduction of slavery?

For a long time the practice had prevailed of admitting a free state into the Union only when a slave state was ready for admission. After the admission of Iowa in 1846, there were fifteen free and fifteen slave states,—the question, what was to be done with California, now standing anxiously at the threshold, was most vital and far-reaching.

Manifest Destiny answered the question, and in answering it forever turned the tide against human slavery. It was early observed in the first American newspaper of California—*The Californian*—that neither the climate, nor the soil, nor the production of the larger portion of the territory was adapted to slave labor; and, what is more, slavery had been abolished in Mexico, the mother country of California, in 1829. The struggle both locally and at the national capital was protracted and bitter, —but in the end, revised Manifest Destiny had its way. The adoption of the Shannon resolution in the Monterey Constitutional Convention of 1849, that "Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State," was called the "pivot point" of the slavery question in the United States. The great commonwealth of California, overcoming all opposition and entering the Union as the sixteenth free State, destroyed forever the equilibrium between North and South.

Gold is indissolubly bound up with California's destiny. Although the existence of gold in the vicinity of Los Angeles was known as early as 1841, a favoring Providence concealed the vast stores until after the territory had been acquired by the United States and after hope of the institution of legal slavery had faded. The epoch-making discovery of gold by James W. Marshall in 1848 was not for a Latin race nor a slave-cursed people, but for the progressive Anglo-Saxon, for the free American Republic.

In the dark and trying days of the Civil war it was the gold of California that supplied an indispensable element of strength and steadiness to the strained finances of the nation. A French writer, M. Alexander Büchner, declared in 1869: "It is the gold of California that has dealt the fatal blow to the institution of slavery in the United States." The force of this remarkable declaration is well illustrated by reference to the work of the National Sanitary Commission. Without the whole-hearted support of the loyal population of California, under the inspiration of the brilliant eloquence of Thomas Starr King, "silver-tongued Unitarian clergyman of San Francisco," the splendid work of this beneficent organization would quite surely have failed: but with California's generous contributions, amounting to more than one-fourth of the total from the entire country, and paid in gold coin when gold was so precious, the work of the Commission proved to be a factor for the cause of Union well-nigh impossible to over-estimate.

That the Manifest Destiny of California is more than a figment of fancy, vastly more than a mere afterthought for use in retrospection, may be well attested by marshalling a number of prophetic utterances of observant travelers and far-seeing argonauts of the long ago as well as of prescient expressions found in the pioneer press.

More than a full century ago, in the year 1816, Otto von Kotzebue, captain of the Russian ship *Rurik,* visited the *presidio* of San Francisco, where he was entertained by the *Comandante,* Lieut. Louis Argüello. On that occasion he referred to the country he beheld in these words:

> It has heretofore been the fate of these regions to remain unnoticed; but posterity will do them justice; towns and cities will flourish where all is now desert, the waters over which scarcely a solitary boat is seen to glide will reflect the flags of all nations; and a happy, prosperous people, receiving with thankfulness what prodigal nature bestows for their use will dispense her treasures over every part of the world.

That the Russian colony in California was viewed as a menace from the standpoint of far-sighted American statesmanship may be inferred from the report of J. B. Prevost, United States Commissioner appointed to receive the re-surrender of Astoria from England. Prevost's report to the Department of State, dated at "Monte Rey, New California," November 11, 1818, includes these words:

> The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused, and disaffected population. Under all these circumstances, may we not infer views as to the early possession of this harbor, and ultimately to the sovereignty of all California? Surely the growth of a race on these shores, scarcely emerged from the savage state, guided by a chief who seeks not to emancipate but to enthral, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States,—so far at least as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

Note how the country impressed Captain Bonneville when with his party he reached Monterey in November, 1833:

> All of California is one of the most fertile and beautiful regions in North America. . . . We have little doubt that at no very distant day this neglected, and, until recently, almost unknown region, will be found to possess sources of wealth sufficient to sustain a powerful and prosperous empire. Its inhabitants themselves are but little aware of its real riches; they have no enterprise sufficient to acquaint themselves with a vast interior that lies almost a *terra incognita;* nor have they the skill and industry to cultivate properly the fertile tracts along the coast; nor to prosecute that foreign commerce which brings all the resources of a country into profitable action.

Hall J. Kelley, a chief among early apostles of westward expansion, in his report to Congress on the Oregon territory, submitted in 1839, concludes his description of California with these words:

> When I remember the exuberant fertility, the exhaustless natural wealth, the abundant streams and admirable harbors, and the advantageous shape and position of High California, I cannot but believe that

> at no very distant day a swarming multitude of human beings will again people the solitude, and that the monuments of civilization will throng along those streams whose waters now murmur to the desert, and cover those fertile vales whose tumuli now . . . commemorate the former existence of innumerable savage generations.

As early as 1842, Waddy Thompson, as United States minister to Mexico, conceived the great value of California, holding that Texas was not to be compared with it, and contending that Upper California, under the control of the United States, "would eventually mean the ascendancy of the United States over the whole Pacific."

A writer in *Hunt's Merchant's Magazine* for April, 1846—several months before the actual California conquest—presents a remarkably prophetic vision, employing these significant words:

> When we reflect that the superb region of California is adequate to the sustaining of twenty millions of people; has for several hundred years been in the possession of an indolent and limited population, incapable from their character of appreciating its resources—that no improvement can be expected under its present control, we cannot but hope that thousands of our fellow countrymen will pour in and accelerate the happy period (which the work before us assures us cannot be far distant) when Alta California will become part and parcel of our great confederation; and the cry of Oregon is only a precursor to the actual settlement of this more southern, more beautiful, and far more valuable region.

In the *Californian* of August 29, 1846, a writer employed this remarkable language:

> The destiny of California is fixed—she is to become a free and independent State—a member of the North American Confederacy. She is no longer to be subject to a foreign arbitrary power, to domestic revolutions or military rule. She is to make her own laws, manage her own resources, and found those institutions in which her children are to find a happy home.
>
> . . . Golden harvests will wave over hills and valleys, where now only the briar and bramble are seen; and when only the howl of the wolf is heard, the gloomy silence of the wild cascade will be broken by the thunder of factories, where art and industry will roll out upon the public their richest products. Commerce will enliven every bay, and penetrate into the gorges of the distant mountains.
>
> This may seem too flattering a picture, but it is no more than what is seen and felt through the length and breadth of the United States. The same enterprise and prosperity which prevails there avails this country. The same spirit which has made the farmer and mechanic wealthy there, will make them wealthy here. The same spirit that has carried the advantages of an education to every child there, will carry the advantages to every child here. The same spirit that has founded asylums there for the infirm, the deaf and the dumb, the houseless widow and orphan, will found the same beneficent institutions here. Such is the destiny of California, such a patrimony which the aged, now descending to their graves, bequeath to their children. Who would dread such a vista? Who bar his offspring from such a heritage?

The same paper discerned at a very early date that English and not Spanish was to be the language of California. On October 10, 1846,

when the English-speaking population of the entire territory was less than 2,000, or not quite one-fifth the total (exclusive of Indians), it said editorially:

> This is to be the language of California. The vast tide of emigration from the United States will inevitably make it so. It becomes therefore, every parent to have his children taught this language, and have it taught them early. . . . No parent should let his child grow up in ignorance; it is a reflection on him, and an inevitable misfortune to the child.

The surpassing excellence of the San Francisco harbor, even when San Francisco was hardly worthy to be called a village, did not escape notice. Among many expressions that might be quoted, the editor of the *Californian* writes, September 26, 1846:

> San Francisco will yet become the most important port in California. It has in itself advantages which no other port can rival. The navies of the whole world can float securely in its sheltered waters, and then the valleys which stretch away from its strand are clothed with perpetual verdure, and the streams which roll into it are never dry.

But the prophetic editor was not wise enough to foresee that within three short years that self-same harbor was to be veritably transformed into a forest of masts by the unprecedented influx of argonauts. At a somewhat later date, to be sure, he does get a truer view of California's prospective greatness and of the certain importance of the town of San Francisco:

> Who can now doubt the importance to which California is destined? And who can doubt the important station the town of San Francisco is destined to occupy among the cities of the Pacific borders? We have already witnessed its rise from a few houses to a great many. It now contains eight stores of general merchandise, the most of which do a very considerable wholesale and retail business.

The great tide of immigration having been fairly inaugurated, even bolder prophecies were indulged in,—and with ample justification. In the Constitutional Convention of 1849, Mr. R. M. Price, a delegate, used these words:

> Our commercial capital, San Francisco, is, in my opinion, destined to be the center of the exchange of the world, and is destined to supply the world with a large share of its currency. With our great natural wealth we can never want currency.

The memorable and prophetic words of William H. Seward, which were uttered two generations ago, seem now at the point of realization. Settlement has indeed been marching on, as Mr. Tucker of Virginia exclaimed, and nothing has been able to stop it till it reached the shores of the mighty Pacific. Bishop Berkeley's "Verses on the Prospect of Planting Arts and Learning in America," written long before the American Declaration of Independence was penned, take on new significance when read anew in the light of California's unique unfolding:

Westward the star of empire takes its way;
The four first acts already past,
A fifth shall close the drama with the day,
Time's noblest offspring is the last.

When the nineteenth century opened California's meager population numbered perhaps 1,300 persons, exclusive of Indians. The whites increased very slowly in numbers until the emigrants from the United States and Europe began to enter the country. When the American conquest was effected in 1846 the white population numbered about 10,000, including nearly 2,000 foreigners.

By January of the memorable year 1849 the number had reached at least 26,000, of whom at least one-half were Americans and foreigners. The most careful estimate for that year places the immigrants at 80,000, and foreigners at 20,000. Thus the opening of the mid-century year 1850 found in California, in round numbers, a white population of 115,000. San Francisco had grown from 812 in March, 1848, to more than 5,000 by the summer of 1849, and every week witnessed the arrival of ever-enlarging quotas.

The Constitutional Convention which met, pursuant to the call of *de facto* Governor Bennet Riley, at Monterey in September, 1849, quickly rejecting the plan of a territorial organization, set itself to the great task of framing at once a State government. When on the 9th day of September of the following year, after a Congressional struggle as intense as it was unique and consequential, President Fillmore affixed his signature to the California bill, there was admitted into the Union the free commonwealth, the Empire State of the Pacific.

The Great Seal of California, most appropriate in its symbolism, shows Minerva, full-grown from the brow of Jupiter, standing in the foreground, while at her feet crouches a grizzly bear feeding upon grape clusters. At his side stands a miner, with rocker and bowl. Ships are seen on the waters of the Sacramento River, and the snowy peaks of the Sierra Nevada Mountains form a fitting background. The legend "EUREKA" is surmounted by a galaxy of thirty-one stars, the thirty-first representing the new State of California.

Prophecy was being fulfilled—Manifest Destiny was coming richly into its own. Had not California "become a free and independent State" of the American Union? Was she any longer "subject to a foreign arbitrary power, to domestic revolutions or military rule? She now made her own laws, managed her own resources, and founded those institutions in which her children found a happy home. Instead of the briar and the bramble, golden harvests began waving over hills and valleys. Instead of the myriads of wild antelope, elk, and deer, were to be found countless cattle, sheep, and horses. Where but a few brief decades before there were only a few scattered villages of degraded Indians, numbers of flourishing cities and towns now supported their population of virile, dynamic Americans.

The transformation is truly marvelous. The most extravagant prophecies of far-seeing pioneers have fallen short of the glittering reality. There is no rhetoric to describe the unprecedented development of the splendid commonwealth of California.

The 2,000 American inhabitants at the time of Marshall's gold discovery have in 1925 become 5,000,000. The influx of 1850 exceeded that of 1849; but the peak was not reached till 1852, with 67,000 arrivals by sea, as against 36,000 in 1850, and 27,000 in 1851. The decennial census reports reveal a succession of gigantic strides: 1850, 92,597; 1860, 379,994; 1870, 560,247; 1880, 864,694; 1890, 1,213,398; 1900, 1,485,053; 1910, 2,377,549; 1920, 3,426,861.

San Francisco, which was a little pueblo containing 135 dwellings with twelve places of business in 1848, persevering through days of adversity and tribulation as well as prosperity, proved true to the phoenix myth after the disaster of 1906, and has become one of America's great cities and centers of commerce if not literally "the center of the exchange of the world."

The sleepy little village of Los Angeles, with only 1,600 inhabitants when California was admitted, has astounded the world by becoming already a metropolitan center of more than a million souls, thereby establishing a new record in any age of city building.

Great and ample almost beyond comprehension are the material resources of California. In less than half a century after Marshall picked up the first gold flake in the Coloma mill race more than a billion and a quarter of dollars in gold had been produced; the production of the year 1853 alone amounting to $65,000,000. The crude, exploitative mining of the pioneers gave place to more scientific methods. Hydraulic mining began in 1855, and we read of a quartz miners' convention at Sacramento in 1857. California is still one of the chief gold-producing states in the Union.

But besides gold the mineral product is stupendous and highly diversified. Of silver the production was 3,559,443 ounces for the year 1923; 28,346,860 pounds of copper were produced during that year. In what were long looked upon as the vast waste places of California—the expansive back country—there are mountains of iron ore, with tungsten, molybdenum, manganese, and other metallic-bearing ores; there are huge deposits of rock salt, silica, gypsum, borax and other mineral substances, lying still practically untouched because of inadequate facilities as yet for their utilization in the West. The total mineral product for 1924 is given as $358,745,000.

The production of crude oil in California has grown to undreamed-of proportions. Los Angeles has become the chief oil production center of the world. In 1890 the amount for the State was 403,000 barrels, which leaped to more than 4,000,000 barrels in 1900. Steadily mounting, the production passed the billion barrel mark in 1917, and in 1923 the amount reached the amazing total of half a million barrels daily, whose total value

for the year was a quarter of a billion dollars. In 1924 upwards of 107,000,000 barrels of oil were exported from Los Angeles:—petroleum products have for several years been the leading articles of export. In addition to supplying her own rapidly expanding markets, California is called upon to supply the entire western coast of the Americas from Chili to Alaska with crude oil, export quantities across the Pacific to Japan, and compete with eastern states for the markets of portions of Europe and Africa.

The *land* itself is chief among all the bounteous natural resources of California. Fronting the Pacific with a coast line of a thousand miles, visited by moisture-bearing winds, guarded by its great mountain walls, California exhibits an exceedingly wide variation of weather and of climate. In extent the area of tillable soil is vast, in fertility much of it is unsurpassed. The irrigable land exceeds 10,000,000 acres.

Nearly all known products of commercial importance may be found somewhere in this empire State. And yet the rugged mountains of California, rightly viewed in the light of possibilities and of the future, are perhaps second to none among all the natural resources. The Sierra Nevada, the Coast Range, the Sierra Madre,—viewed geologically, geographically, climatically, regarded industrially, commercially, agriculturally,—constitute a heritage that is sure to be more and more appreciated and prized with passage of the years.

Noble products of the land and the mountains are the *forests* of California, including the only redwood timber in the world, the giant sequoias,—oldest of living creatures,—and nearly 20,000,000 acres of national forest reserves, with rich varieties of timber. The people are awaking to the importance of the conservation of the forests, as bound up with watershed protection, flood control, and recreational and social conditions.

The "white gold" of California is its *hydro-electric* energy, estimated at 4,000,000 horse power. In the development of this marvelous resource California leads the world, and power companies will spend $100,000,000 annually for years to come. From the northern watershed alone there has been an annual waste of 27,000,000 acre feet of water. Conservation is of commanding importance—both of the water itself and of its almost inconceivably valuable by-product, hydro-electric power. Wise coordination of these resources in the interests of all the people of the commonwealth is a problem demanding the wisest statesmanship.

Much of the true gold of California lies in her spreading fields. For years it was the belief of many that mining was the only industry that would really pay; today every school child knows how utterly fallacious was such an idea. During a recent year there was produced, of wheat, 16,157,000 bushels; of hay, 5,265,000 tons; of barley, 33,069,000 bushels; of oats, 5,265,000 bushels; and of corn, 4,480,000 bushels. Of newer products, scarcely dreamed of a single generation ago, rice amounted to 5,671,000 bushels, and cotton, 66,405,000 pounds. Add to all this the total of other valuable field crops—beans, grain, sorghum, potatoes, sugar

beets, and yet others—and some idea is obtained of the immense volume of produce from the California soil.

No less impressive is the magnitude of the State's *fruit industry*. Take the same year, 1923. The apple production was 10,500,000 bushels; pears, 133,000 tons; peaches, 380,000 tons; apricots, 210,000 tons; prunes, 130,000 tons. The raisin crop reached the huge figure of 290,000 tons, not to mention table and wine grapes; walnuts, 25,000 tons; almonds, 11,000 tons; and olives, 17,000 tons. The production of oranges amounted to 24,100,000 boxes, and of lemons, 6,732,000 boxes.

Marvelous likewise is the story of *vegetable* production. California is today the greatest canteloupe country the world has ever known,—car lots were sent to 350 cities in the United States and Canada. In the delta of the Sacramento-San Joaquin river beautiful long rows of asparagus may be seen,—California canned asparagus virtually monopolizes the markets of the world. Two thousand car lots of lettuce leave Imperial Valley each month, serving 200 American cities. Other vegetable products rapidly rising to prominence are spinach and artichokes. In a single year the grand total of products of the soil of California exceeded half a billion dollars in value.

The *dairy* industry in California has reached amazing proportions, its products being at present valued at more than $100,000,000 a year. For a single year the butter production amounted to 77,000,000 pounds, valued at $36,500,000, to which should be added a like amount for milk. The improvement in the breeds of cattle and other live stock has been remarkable.

California's *fish* production for 1924 broke all records in the history of the State, the total catch reaching the enormous figure of 313,885,073 pounds of sea fishes and nearly 14,000,000 pounds of crab, shrimp, and other crustaceans and mollusks. The sardine constituted approximately three-fourths of the entire fish production, other varieties including albacore, tuna, salmon, and mackerel. The salmon is rapidly becoming more a sporting than a commercial consideration, now approaching the zero point in the fishing grounds of the Sacramento-San Joaquin river system.

The *commercial* importance of California is likewise definitely established. But for the crude dug-out of the simple savage and an occasional brig the magnificent harbor of San Francisco was unused until the lure of gold transformed it into a forest of masts: but lately there floated on its ample waters the great Navy of the United States of America.

Of transcendent importance was the completion of the Pacific Railroad in 1869. Later, the entrance of competing roads has added impetus to trade; while the completion of the Panamá Canal was epoch-making for the entire Pacific Coast.

Metropolitan Los Angeles has assumed the rôle of commercial leadership in the great Southwest. By the annexation of Wilmington and San Pedro in 1909 she gained possession of a harbor which placed her upon the highway to maritime greatness and earned for her overnight, as

it were, an incredible record and prospects almost bewildering. American trade with new China and the entire Orient through California is rapidly assuming proportions that hitherto would have appeared impossible. Before our very eyes the mighty Pacific is becoming the chief theater of the world's events: our western shores have become the "right hand of the continent." This was clearly perceived by a Japanese writer, who recently said:

> America has faced Europe too long. The time has come for her to turn her face to the new world of her future operations and activities. America and Asia—and the new drama of the twentieth century now opens.

Today California fronts the world!

The pioneers who framed California's first constitution in 1849 took a warm interest in the subject of *education.* The convention with excellent foresight set apart certain revenues for the establishment of a state university and a complete system of public schools. The University of California, established in 1868 and located at Berkeley, ranks today among the greatest in America. Other universities and colleges of high rank are not wanting. Every town has its high school, and not a few have likewise their junior colleges or teachers' colleges. Excellent professional and technical schools abound. Elementary schools are everywhere. California yields to no state in the matter of school facilities and educational standards.

Along with her educational progress should be mentioned California's great cultural, esthetic, and spiritual foundations—tokens of a better civilization. Great astronomical plants like Lick Observatory, on Mount Hamilton, and Mount Wilson Observatory; great museums, like those in Golden Gate Park in San Francisco and Exposition Park in Los Angeles; magnificent libraries like the State's at Sacramento the great Huntington Library near Pasadena, and public establishments in all the cities: the maintenance of the symphony orchestra and the introduction of grand opera in the chief cities; the establishment of noble temples and splendid halls for the inspiration and uplift of the people;—these are but a partial suggestion of the varied offerings California has provided for her people and for the friends within her gates.

Nor has she failed to produce *men of renown* to whom national and international recognition has been accorded. Outstanding men there have been from the beginning, even from the time of that valiant knight of the cross, Padre Junipero Serra. There are those princely pioneers, John Bidwell of '41; Cornelius Cole, the '49er who recently died at the age of 102; William T. Coleman, "Old Vigilante," and all their kind; there are the jurists like Stephen J. Field, Joseph McKenna, and Curtis D. Wilbur; the publicists and statesmen, like Stephen M. White and Franklin K. Lane; eminent educators, like Daniel C. Gilman and David Starr Jordan; great lovers of nature, like John Muir and Joaquin Miller; brilliant orators, like Edward D. Baker and Thomas Starr King; military

leaders, like Sherman and Halleck; and a long and illustrious list of others, representative of all walks of life in California, worthy contributors to the greatness and renown of their country and the progress of the race.

In the year of California's Diamond Jubilee the historian is permitted to record the fulfillment of many a decree of a kindly destiny. And yet the record of the past, the achievements of the present, are clearly but an earnest of the abounding future. Many another decree has Manifest Destiny uttered for California that is not yet fully executed on the scroll of history. Population will continue to increase,—where there are thousands today there will be tens of thousands tomorrow; great new stretches of waste places will be reclaimed and transformed into populous and productive districts; industries now scarcely past their infancy will expand to unbelievable magnitude; material wealth and creature comforts will multiply. Instead of a position of complete isolation from the modern world, California will occupy a position at the very center of the human geography of the world, face to face with the greatest and most inescapable problems. Her peculiar vantage, her coast line of 1,000 miles, her matchless harbors at San Francisco and Los Angeles, beckon her, as the finger of destiny, to a leading rôle in the theater of the world's greatest activities, the "Queen of the Pacific."

The development and conservation of her great resources—material and human—will make of California a wondrous blessing to the ends of the earth, thus assisting the American Republic to achieve that high place in universal progress discerned by the peerless orator, Col. E. D. Baker, when in his Atlantic Cable Address he said:

> As we transmit our institutions, so we shall transmit our blood and our names to future ages and populations. What multitudes shall throng these shores, what cities shall gem the borders of the sea! Here all peoples and all tongues shall meet. Here shall be a more perfect civilization, a more thorough intellectual development, a firmer faith, a more reverent worship. Perhaps, as we look back to the struggle of an earlier age, and mark the steps of our ancestors in the career we have traced, so some thoughtful man of letters in ages yet to come may bring to light the history of this shore or of this day. I am sure, fellow citizens, that whoever shall hereafter read it will perceive that our pride and joy are dimmed by no stain of selfishness. Our pride is for humanity; our joy is for the world; and amid all the wonders of past achievement and all the splendors of present success, we turn with swelling hearts to gaze into the boundless future, with the earnest conviction that it will develop a universal brotherhood of man.

Such is the glorious vista of the American people, and of California, delineated by her most gifted orator; such the inspiring summons to us of today to enter fully into the bright heritage of our history and to panoply ourselves for peaceful conquests in days to come.

But,—we may well ask—will California fulfill her high destiny? Will she steadfastly obey the higher law of her nature and mount to the summit of her opportunities, having learned the lesson that true greatness is measured by the infallible rule of service? Will she be able to shake off

the lethargy of hedonic ease induced by the very amplitude, the superabundance of the good things of life, and apply herself with all diligence and with unselfishness of purpose to the sustaining and the advancement of the great world-union of democratic forces that must at length conspire to make all men free?

The spirit of our princely pioneer, ripened by length of years and wealth of experience, seems to raise his hand and his voice in solemn warning, as he utters words of wisdom and impressively lays upon us his successors his last injunction. "What constitutes a State?" Our mines and fields and factories; the growing population, the expanding industry, the greatening magnitude of commerce; our systems of jurisprudence, our institutions of learning, our temples of worship:—these, either singly or in combination, instrumental agents as they are, can never usher in the perfect day of destiny, except as they produce "men, high-minded men", men

> Who live above the fog
> In public duty and in private thinking.

The historian's task is ended. Were I a prophet, I would sing with Joaquin Miller:

> Dared I but say a prophecy,
> As sang the holy men of old,
> Of rock-built cities yet to be
> Along these shining shores of gold,
> Crowding athirst into the sea,
> What wondrous marvels might be told!
> Enough to know that empire here
> Shall burn her loftiest, brightest star;
> Here art and eloquence shall reign,
> As o'er the wolf-rear'd realm of old;
> Here learn'd and famous from afar,
> To pay their noble court, shall come,
> And shall not seek or see in vain,
> But look on all with wonder—dumb.

Were I a theologian, and had I the ear of the California youth and of all the parents and teachers of youth, I would cry out: "Eureka! Eureka! Manifest Destiny is transformed and is now become Divine Providence! It is calling today—the most momentous day in a hundred generations—for native sons and native daughters, for sons and daughters of men from everywhere, of true moral fibre and excellent virtues." Heaven itself lays upon us the stern but loving injunction, "Quit you like men! Be strong!"

SELECTED BIBLIOGRAPHY

For the convenience of those who may desire to extend their reading in the field of the American period of California history the following selected bibliography has been prepared. It has been arranged in four groups of titles, to correspond—at least in a general way—with the four Parts of this volume.

For very obvious reasons no attempt has been made to present a bibliography that might in any sense be regarded exhaustive for the multifarious life of recent California. Nevertheless the titles here set forth do represent a rather wide and carefully selected list of original sources and secondary authorities. Students desiring to do extensive research work in California history are referred to the more elaborate bibliographies of Bancroft, Cowan, and Chapman, and to the catalogues of the great libraries of the State.

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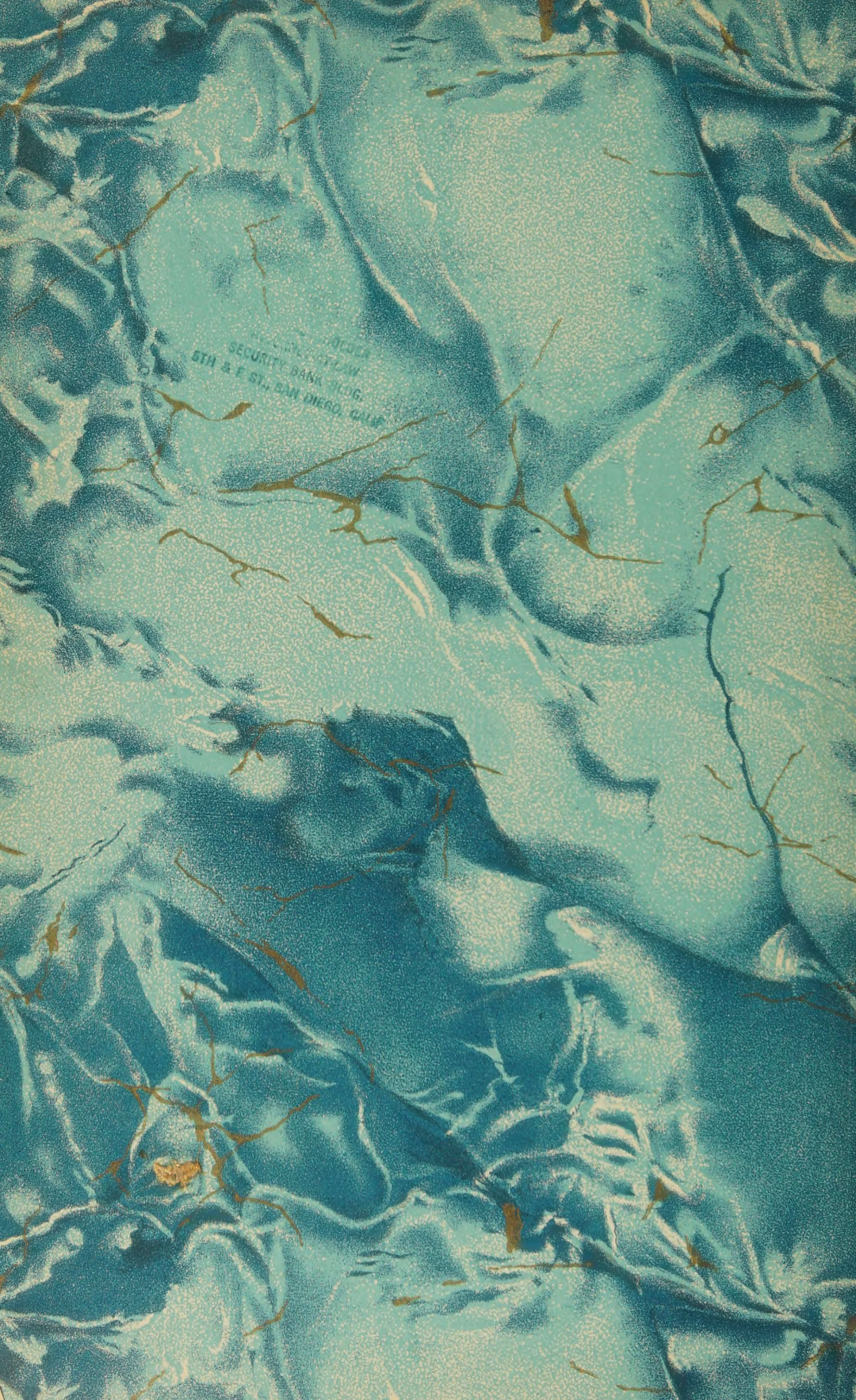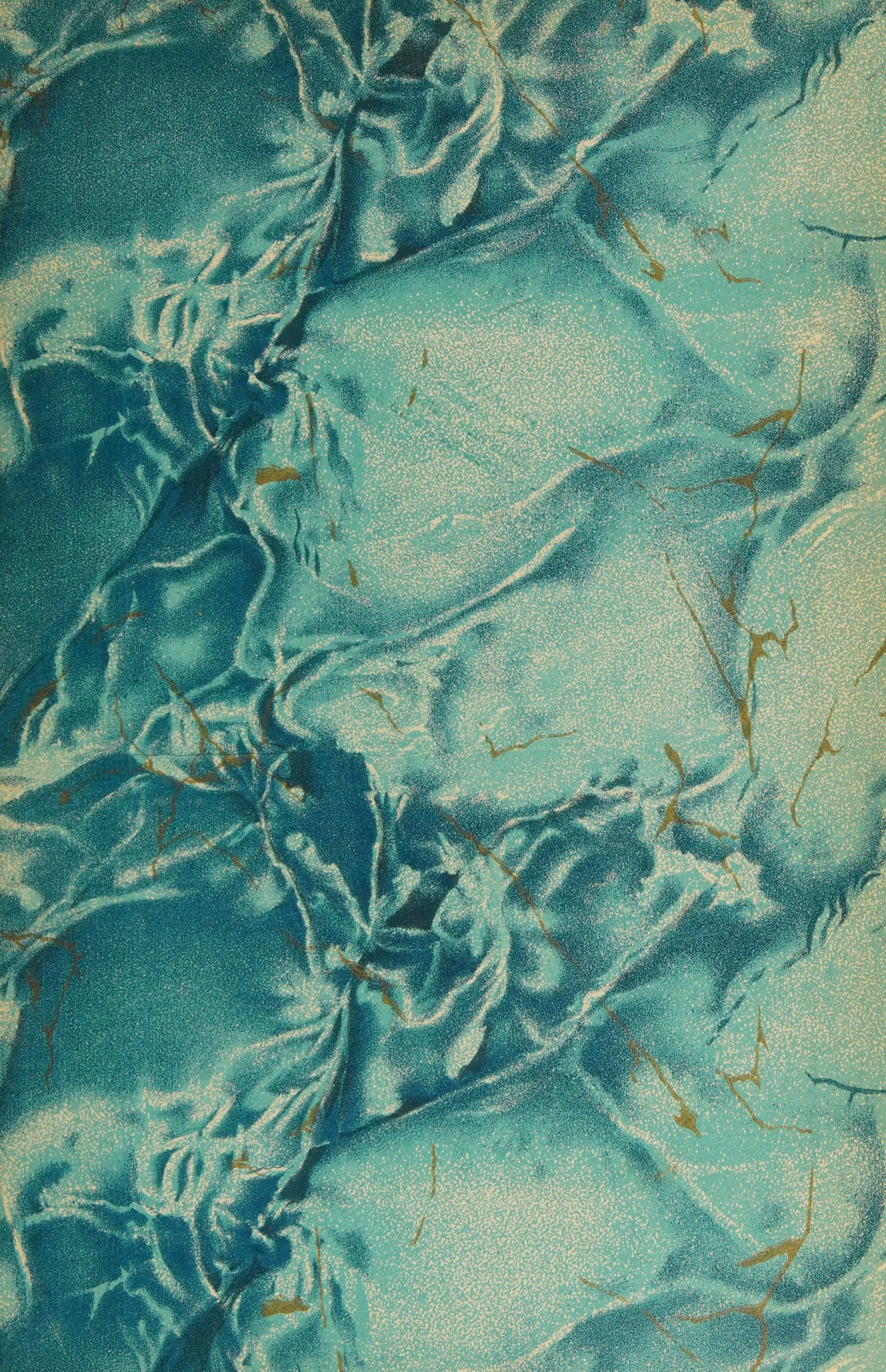
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